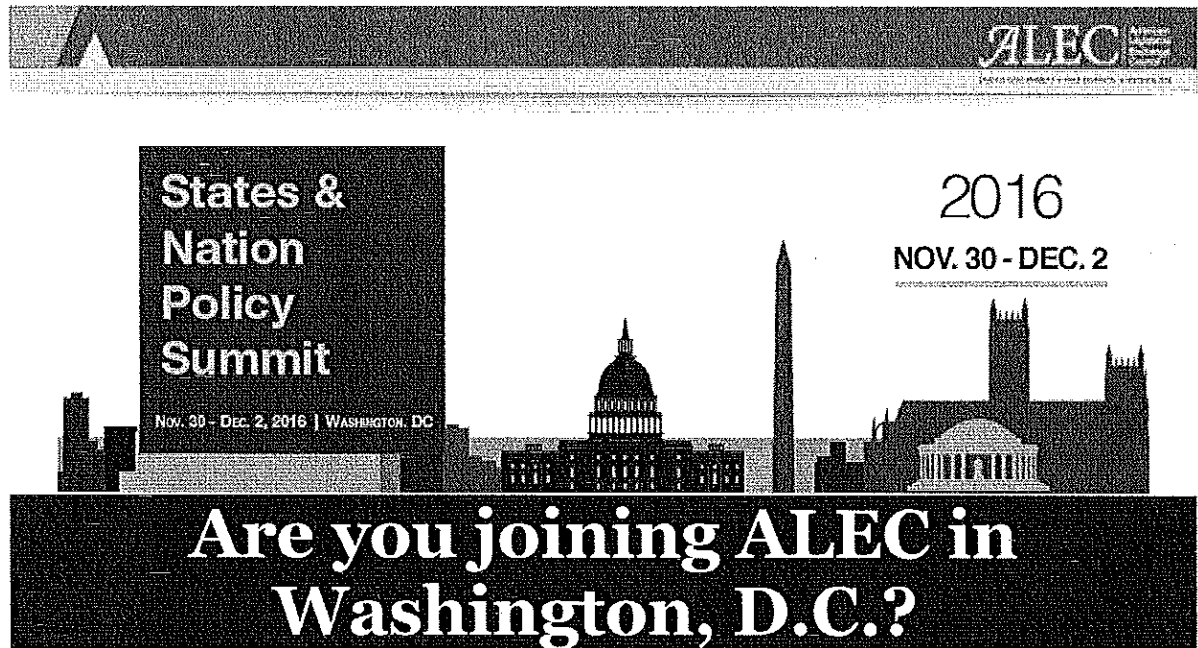


From: Courtney Cook
Sent: Wednesday, October 12, 2016 2:53 PM
To: Rep93
Subject: Be apart of ALEC in D.C.!



Come be apart of ALEC as we prepare for 2017

With gridlock in D.C., the states matter now more than ever! We encourage you to bring your peers and newly elected legislators to discuss the 2017 legislative agenda. Hear what past attendees have had to say...

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"All of the conference was helpful, but the receptions and networking were key in helping to tie things together being learned in the sessions."

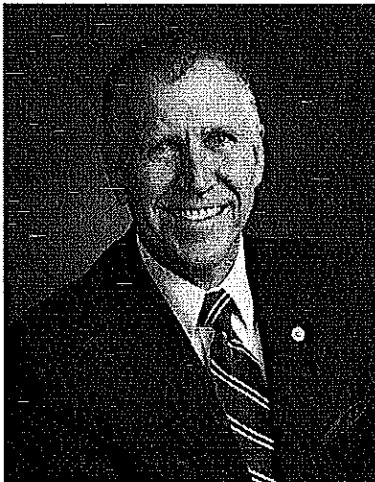
"All aspects are valuable to a private sector member"

"It's important to hear what is new on policy front and connect with many peers and experts. "

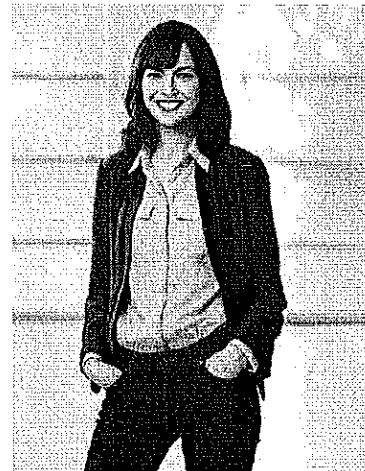
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Lenore Skenazy



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**Agenda
News**

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Courtney Cook | CCook@alec.org | ALEC | 2900 Crystal Drive, 6th Floor |
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From: Public Policy Law360
Sent: Thursday, October 13, 2016 5:42 AM
To: Rep93
Subject: DC Circ. Single-Director Ruling May Hinder CFPB Enforcement



PUBLIC POLICY

EXPLORE WHAT'S INSIDE LEXIS PRACTICE ADVISOR

Check out the topics we cover, the forms we offer, and where our practical guidance will take you.

Thursday, October 13, 2016



TOP NEWS

DC Circ. Single-Director Ruling May Hinder CFPB Enforcement

The D.C. Circuit on Tuesday made it more complicated for the Consumer Financial Protection Bureau to bring some enforcement actions in both federal court and through administrative proceedings, and may have strengthened companies' hands in trying to fend off certain claims, experts say.

DOL Finalizes Rule On ACA Whistleblower Complaints

The U.S. Department of Labor on Wednesday unveiled its final rule governing the way whistleblower complaints are handled under the Affordable Care Act, more than three years after it published an interim final rule on the subject.

Treasury= 2s Inversion Rule Undermines Tax Law, Chamber Says

The U.S. Department of the Treasury exceeded its authority and failed to give U.S. businesses

LAW FIRMS

Baker & McKenzie
Borton Petrini
Bredhoff & Kaiser
Curtin & Heefner
Dentons
Dowd Bloch
Drinker Biddle
Earthjustice
Fisher Phillips
Jones Day
Kanji & Katzen
Keller and Heckman
Levenfeld Pearlstein
Lewis Longman
Lewis Tein
Liebert Cassidy
Mayer Brown
Messer Caparello
Paul Hastings
Paul Weiss

required notice of an "arbitrary and capricious departure" from prior policy when it passed a rule meant to thwart corporate inversions, the U.S. Chamber of Commerce told a Texas federal court on Tuesday.

Industry, Enviro Blast EPA Ozone Rule Challenges In DC Circ.

An industry group on Tuesday urged the D.C. Circuit to reject environmentalists' challenges to the U.S. Environmental Protection Agency's rule implementing 2008 ozone standards, while the environmentalists told the appeals court a challenge from a Southern California air quality district was similarly unworthy.

ICE Memo Guides Eligibility Verification Amid Labor Rows

U.S. Immigration and Customs Enforcement agents who receive information concerning employees' eligibility to work in the U.S. must consider whether the tips are meant to interfere with a labor organizing campaign or labor dispute, according to an agency memorandum recently obtained by the AFL-CIO.

Biz Group Urges DOD To Revamp Brass-Selection Process

A private-sector advisory group to the U.S. Department of Defense called for a "major shift" in how the Pentagon's top brass are selected and how they carry out their jobs, releasing a report Tuesday that calls on the next president to recruit corporate executives and restyle the military's deputy secretary as a "chief management officer."

Judge Adds 1 Week To Fla. Voter Registration Deadline

The Florida Democratic Party and voting rights groups notched a big win Wednesday when a federal judge extended Florida's voter registration deadline to Oct. 18 to allow those affected by Hurricane Matthew additional time to get on voter rolls.

Perkins Coie
Shute Mihaly
Slater & Gordon
Steptoe & Johnson PLLC
Telecommunications Law
Professionals
Venable LLP
Winston & Strawn

COMPANIES

Alcoa Inc.
Allergan PLC
America Fujikura Ltd.
American Bar Association
American Federation of Labor and
Congress of Industrial
Organizations
American Federation of State,
County and Municipal Employees
Comcast Corporation
Delaware Riverkeeper Network
Facebook
Google Inc.
Harris Corporation
Las Vegas Sands Corp.
LinkedIn Corp.
Lockheed Martin
Millennium Management LLC
NFL Enterprises LLC
National Immigration Law Center
National Right to Work Legal
Defense Foundation
Oakland Raiders
PHH Corporation
Pfizer Inc.
Planned Parenthood Federation
Sierra Club
Sikorsky Aircraft Corp.
Simon Property Group, Inc.
Sony Pictures Entertainment Inc.

ANALYSIS

Move To Pin DNC Hack On Russia Needs Strong Follow-Up

The U.S. government's recent decision to publicly blame Russia for hacking into the Democratic National Committee indicates that federal officials are taking these cyberthreats seriously, but the long-term efficacy of this name-and-shame tactic will likely turn on what federal officials choose to do next.

Tough Politics Force Wheeler To Limit Business Data Plan

The Federal Communications Commission's retrenchment last week on a proposal to set a new regulatory scheme for the business data services market is the latest evidence of Chairman Tom Wheeler's struggle to string together the votes necessary for key agenda items in a tumultuous political climate, experts say.

ENERGY & ENVIRONMENTAL

Pa. GOP Senators Ask To Join Del. River Fracking Suit

Three Republican Pennsylvania state senators asked Tuesday to intervene in a federal lawsuit brought by a landowner challenging the Delaware River Basin Commission's fracking moratorium and refusal to approve an exploratory natural gas well, saying the commission has overstepped its regulatory authority.

EPA Fast-Tracks 5 Bioaccumulative, Toxic Chems For Review

The U.S. Environmental Protection Agency said Tuesday that it is prioritizing the review of five persistent, bioaccumulative and toxic chemicals for review under the newly passed Frank R. Lautenberg Chemical Safety for the 21st Century Act, which reforms the Toxic Substances Control Act.

Starbucks Corporation
U.S. Chamber of Commerce
United States Steel Corporation
Wal-Mart Stores Inc.
Washington Post Co.
Yahoo! Inc.
eBay Inc.

GOVERNMENT AGENCIES

Bureau of Citizenship and
Immigration Services
Consumer Financial Protection
Bureau
Defense Logistics Agency
Delaware River Basin
Commission
Equal Employment Opportunity
Commission
Executive Office of the President
Federal Acquisition Regulatory
Council
Federal Bureau of Investigation
Federal Communications
Commission
Federal Railroad Administration
Federal Reserve System
Federal Trade Commission
Florida Department of
Environmental Protection
Illinois Department of
Transportation
Immigration and Customs
Enforcement
Internal Revenue Service
International Trade Commission
National Highway Traffic Safety
Administration
National Labor Relations Board
Occupational Safety and Health
Administration

Bush-Era EPA, DOT Officials Blast Trump's Candidacy

Thirteen of President George W. Bush's political appointees who served in the U.S. Department of Transportation, the U.S. Environmental Protection Agency and the U.S. Department of Energy voiced their opposition to Donald Trump's candidacy on Wednesday, saying the Republican nominee doesn't live up to their idea of the party's values or policy positions.

MEDIA & ENTERTAINMENT

Nevada Senate Greenlights Las Vegas NFL Stadium Bill

The Nevada Senate on Tuesday passed a bill to provide \$750 million in public money for a nearly \$2 billion NFL stadium project for the Las Vegas area as the state continues to court the Oakland Raiders to move to southern Nevada.

REAL ESTATE

Leaning Tower Of SF Suit Against Public Agency Stumbles

A San Francisco judge Wednesday trimmed claims from a real estate suit brought by a putative class of Millennium Tower condo residents against the public agency overseeing an adjacent development that allegedly contributed to the leaning tower's high-profile sinking troubles, saying they'd failed to notify the agency before suing as required.

EMPLOYMENT

Ill. Workers Hope High Court Uses Case To End Forced Dues

A pair of Illinois government workers are the latest to take a suit challenging laws requiring workers who are not union members to pay union dues to the Seventh Circuit, a move they hope will give the U.S. Supreme Court an opportunity to rule on the issue.

PRIVACY & CONSUMER PROTECTION

Securities and Exchange Commission

Seminole Tribe of Florida

South Florida Water Management District

Tulalip Tribes of Washington

U.S. Air Force

U.S. Army

U.S. Attorney's Office

U.S. Department of Agriculture

U.S. Department of Defense

U.S. Department of Energy

U.S. Department of Housing and Urban Development

U.S. Department of Justice

U.S. Department of Labor

U.S. Department of Transportation

U.S. Department of the Treasury

U.S. Environmental Protection Agency

U.S. Navy

U.S. Secret Service

U.S. Supreme Court

United Nations

Calif. Life Sciences Cos. Sued Over Sale Of Fetal Tissue

Prosecutors for Orange County, California, lodged a suit on Wednesday in state court accusing two related life sciences companies, DaVinci Biosciences LLC and DV Biologics LLC, and its owners of unlawfully selling fetal tissue and stem cells.

GOVERNMENT CONTRACTS

Watchdog Says DOD Overpays For Chopper Spare Parts

A U.S. Department of Defense watchdog said Wednesday that the military services are using inefficient separate purchases for buying H-60 helicopter spare parts, urging the Pentagon to better consolidate H-60 parts buying to save money.

Outgoing Navy Secretary Touts Direction Of Built-Up Fleet

Outgoing Navy Secretary Ray Mabus on Wednesday touted the Navy and Marine Corps' achievements under the Obama administration, expressing pride in efforts to ramp up shipbuilding, knock down barriers for qualified sailors to serve and make better use of alternative energy sources.

INTERNATIONAL TRADE

ITC Will Take Another Look At Tweaking Import Hurdles

The U.S. International Trade Commission announced Tuesday that it will once again conduct an analysis to gauge the potential effects of loosening tariffs, customs procedures and other restraints facing foreign goods.

US, Canada Still Without Lumber Deal As Ceasefire Lapses

The one-year moratorium on trade remedy cases against Canadian softwood lumber

imports expired Wednesday as the U.S. and Canada remained without a new bilateral agreement, though both sides vowed to forge ahead with their negotiations in order to stave off a litigation free-for-all.

TAX

IRS Could Increase Fees For Offers In Compromise

The Internal Revenue Service could soon hike the price for its tax liability offer-in-compromise settlement program, according to a proposed rule set to be published Thursday.

Texas AG Says Brownsville's Plastic Bag Fee Is Unlawful Tax

Texas Attorney General Ken Paxton sued the city of Brownsville and several of its officials Wednesday in state court, alleging they are violating state law with an ordinance that charges consumers \$1 environmental fees for plastic bags in store checkout lines.

IMMIGRATION

Chicago 'Dreamer' Sues Fed Over Texas Immigration Block

A Chicago resident hit the U.S. Citizenship & Immigration Services with a suit in Illinois federal court Wednesday, alleging a Texas federal judge's decision to block new rules loosening restrictions on immigrant work permits is "unlawfully broad" and does not apply to his case.

NATIVE AMERICAN

Feds, Tribe Slam Wash.'s Assertion Of Taxing Power In Village

The Tulalip Tribes and the federal government on Tuesday blasted the state of Washington and Snohomish County's attempt to have a federal court confirm their authority to levy taxes on commercial transactions in a tribal

municipality that do not involve Native Americans.

Tribes Continue Push To Block New Fla. Water Quality Rule

The Seminole tribe of Florida is trying to keep afloat efforts to halt the state's implementation of new water quality standards, asking an appeals court to stay adoption pending its appeal of an administrative judge's dismissal of its challenge after he also denied a similar stay request.

TELECOMMUNICATIONS

FCC's Pai Touts Plan To Bring Broadband To Poorer Areas

High-speed internet access can level the playing field for startups and entrepreneurs competing in the marketplace, but a lack of reliable broadband in low-income areas risks a "digital divide," Federal Communications Commissioner Ajit Pai said Tuesday.

FCC Must Reject Google's ISP Privacy Plan, Advocate Says

The open internet advocacy organization Free Press has urged the Federal Communications Commission not to listen to suggestions from internet service providers and companies like Google that could endanger consumer protections when writing its upcoming rules on online privacy.

EXPERT ANALYSIS

New FAR Rules On Tax Cheats, Felons: The Do's And Don'ts

The Federal Acquisition Regulatory Council's final rule requiring offerors on government solicitations to represent unpaid federal tax liabilities and federal felony convictions reinforces the need for all contractors — big and small, providers of commercial and noncommercial items — to take certain actions both prior to and while bidding, say Jeniffer De

Jesus Roberts and Katherine Veeder of Dentons.

The First 6 Months Of FCPA Pilot Program: 10 Lessons

The U.S. Department of Justice's Foreign Corrupt Practices Act Pilot Program reached its six-month anniversary last week. It is useful to examine recent FCPA enforcement activity to see how the program is working and what it means for practitioners and companies going forward, says Robert Kent of Baker & McKenzie LLP.

Organic Rule Change Causes A Synthetics Scuffle

In an effort to administer a regulatory framework that promotes efficiency and transparency within the organic products industry, the U.S. Department of Agriculture recently revised its regulatory process for authorizing synthetic materials for use in organic production. However, ongoing litigation in a California federal court could potentially upend the USDA's efforts to streamline the process, says Brian Sylvester of Keller and Heckman LLP.

The Art Of Silence At Trial

When communicating to a jury, trial lawyers know that words matter. Thus, it may seem odd to focus on the topic of silence. However, this tool is often underutilized in all facets of the litigation life cycle, says Martha Luring of Salmons Consulting.

LEGAL INDUSTRY

World's 1st Public Law Firm Faces Shareholder Litigation

The world's first publicly traded law firm was hit Wednesday with a massive shareholder class action alleging the firm deceived investors and lost them more than \$2 billion through various missteps, including the acquisition of a

professional services firm, a plaintiffs law firm said.

Robots Are Coming For Your Jobs, Legal Academic Says

The legal profession will not be spared from the upheaval posed by the advent of artificial intelligence as the profession is "dismantled" and lawyers are replaced by machines, prominent legal academic Richard Susskind said in a Tuesday article in the Harvard Business Review.

Police Still Probing Atty's Role In Shooting Of Wife

The recent shooting death of a Fisher & Phillips LLP employment partner's wife, which occurred when he was handling a gun in a moving car, is being "appropriately and thoroughly" investigated by the Atlanta Police Department, as any other case of this nature would be, a department representative said on Wednesday.

High Bail May Be Unconstitutional In Md., AG's Office Says

The common practice of setting unaffordable bail for criminal defendants awaiting trial would likely be found to violate due process if the issue came before Maryland's Court of Appeals, according to an advisory opinion from the state attorney general's office Tuesday.

\$1.45M Settles Ex-Anaheim City Atty's Discrimination Suit

The former city attorney of Anaheim, California, has settled her discrimination lawsuit against the municipality for \$1.45 million, ending more than two years of litigation less than a week before a scheduled trial, it was announced on Tuesday.

Rainmaker Q&A: Steptoe & Johnson's Sharon Flanery

To be a trusted business partner, you must know your clients' business, and understand what keeps your clients up at night. You must

be able to craft forward-thinking solutions and effectively communicate the solution to your client, as well as the future impact of this decision, says Sharon Flanery, leader of the energy and natural resources department at Steptoe & Johnson PLLC.

Rainmaker Q&A: Levenfeld Pearlstein's David Solomon

It takes patience to learn about a prospect or referral source, what makes them successful and how an attorney with your particular skill set can best help them achieve their goals. But getting that "yes" also takes persistence, and involves a concerted effort to build a relationship that encourages people to open up to you, says David Solomon, chairman of the corporate and securities group at Levenfeld Pearlstein LLC.

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From: Heartland Institute: The Government Relations Team

Sent: Thursday, October 13, 2016 4:05 PM

To: Rep93

Subject: The Leaflet - Education Savings Accounts and Blaine Amendments



Education Savings Accounts and Blaine Amendments

On September 29, the Nevada Supreme Court upheld the constitutionality of the state's education savings account (ESA) program on two of the three fundamental questions brought before the court and rejected challenges suggesting only certain types of schools could benefit from the ESA program. The Court did say, however, the state must find an alternative funding source for the program.

One remaining challenge to the ESA program's success is the state's Blaine amendment, which also serves as a barrier in a number of other states as well. Blaine amendments were first promoted by nineteenth-century politician James G. Blaine. Critics of Blaine accused him of abusing public funds for personal gain and being a manipulative political figure.

In 1875, Blaine unsuccessfully pushed for a federal constitutional amendment that would have prohibited aid given to "sectarian" schools, so he instead turned to pressuring states and prospective states into passing similar amendments to their state constitutions. Policy Analyst Tim Benson says in a recent *Research & Commentary* on the subject, "Blaine amendments are anti-Catholic pieces of legislation that were designed to prevent public money from being sent to religious schools. They currently exist in 38 state constitutions."

Blaine amendment supporters routinely employ them in lawsuits against state voucher programs that some students use at private religious schools. They tend to characterize the amendments as an important and secondary safeguard to the separation of church and state.

Advocates seek legal ways to administer school choice around Blaine amendments or by trying to dispose of the amendments entirely through re-amending state constitutions. They criticize Blaine for its formidable barrier to extending better education with public money and its discriminatory history and intent.

In a recent blog post for the Cato Institute, Cato Policy Analyst Jason Bedrick discusses the different ESA programs in existence across the nation and argues that of the five existing ESA programs, Nevada's is the most expansive and would be the most beneficial for kids and parents.

"Florida, Mississippi, and Tennessee restrict their ESAs to students with special needs," wrote Bedrick. = 2Arizona originally restricted ESA eligibility to students with special needs, but has since included foster children, children of active-duty military personnel, students assigned to district schools rated D or F, and children living in Native American reservations. In Nevada, all students who attended a public school for at least 100 days in the previous academic year are eligible."

Bob Luebke, senior policy analyst at the Civitas Institute, argues in a [2015 Civitas article](#) ESAs can spur educational innovation. "ESAs empower parents with the ability to customize educational markets. In so doing, ESAs will help propel educational innovation. Market forces will come to bear on all schools, public and private. If school suppliers are responsive to these changing forces, they will adapt and survive. If not, they will fail. Parents will drive these changes."

Reason Foundation Education Policy Analyst Tyler Koteskey argued in a recent [Reason Foundation article](#) the Nevada Supreme Court's ruling highlights a larger ideological education reform shift school choice advocates still need to work toward, stating, "If we define 'public education' as education available to every child, why should we conceive of it as coming exclusively from government sources? If we're going to spend public money to support all students having an education in the first place, why shouldn't they be able to use it at a variety of schools, whether traditional public, public charter, or private?"

States with Blaine amendments should follow Nevada's example and pursue school choice through ESAs, a decision that would benefit kids and parents everywhere.

WHAT WE'RE WORKING ON

Budget & Tax

[Congressman Offers Online Sales Tax Proposal](#)

In this article from *Budget & Tax News*, writer Michael McGrady examines a draft proposal to create a federal framework for collecting and remitting sales taxes on online purchases made across state borders. McGrady highlights Curtis Dubay, a tax and economics research fellow with The Heritage Foundation, who argues although the Online Sales Simplification Act is better than previous online sales tax proposals floated by lawmakers, it is still flawed. "It's a better approach, but it still falls short," Dubay said. [Read more](#)



Education

[Public Support for Common Core Falls to New Low](#)

Jenni White, cofounder of Restore Oklahoma Public Education, reports a new report - titled *Ten-Year Trends in Public from the Ed Next Poll* and published by *Education Next*, a journal published by the Harvard Kennedy School's Program on Education Policy and Governance - found public support for Common Core has dropped from nearly 90 percent in 2012 to

50 percent in 2016. Uniform state standards, the survey finds, are still broadly popular, but “the Common Core ‘brand’ holds a negative connotation for many people.” [Read more](#)

Energy & Environment

Research & Commentary: Shale Revolution Has Been a Giant Boon to Pennsylvania's Economy

A new report by the U.S. Chamber of Commerce (USCC) paints a bleak picture of what a post-2009 Pennsylvania would look like without the “energy renaissance” in oil and natural gas extraction that has gone on over the past decade. According to the report, \$13 billion in state gross domestic product (GDP), \$7.2 billion in labor income, and more than 117,000 jobs would have been lost had the energy revolution never occurred. Of the total costs, \$4.5 billion in lost GDP, \$2.3 billion in labor income, and 27,500 jobs would have been directly related to the oil and gas industry’s extraction process; the remaining economic costs would have been the result of substantially higher energy costs. In this *Research & Commentary*, Policy Analyst Tim Benson examines the USCC report and hydraulic fracturing in Pennsylvania. Benson says drilling is being conducted in a safe and responsible manner and “has significantly transformed the energy outlook of the Keystone State for the better.” [Read more](#)

Health Care

Research & Commentary: Wisconsin Deserves ‘Right to Try’

In order to speed up the U.S. drug-approval process and improve access to potentially life-saving drugs for extremely sick people, several states have introduced new laws, commonly called right-to-try (RTT) laws, that would allow terminally ill patients to obtain experimental drugs without getting federal approval. Currently, almost half of all U.S. states have implemented RTT laws. In this *Research & Commentary*, Senior Policy Analyst Matthew Glans discusses the drug-approval process and the potential benefits right-to-try reform would have in Wisconsin, where it is now being considered. “Under the [proposed RTT] model, access to experimental drugs is limited to use by terminal patients who have exhausted other available treatments. Additionally, the experimental medications would be made available only if the manufacturer chooses to make them available, and the request would require a doctor to diagnose a terminal disease and declare the drug would provide the patient with his or her best chance of survival. Patients would also have to provide informed consent, limiting legal exposure for the drug’s manufacturer,” Glans wrote. [Read more](#)

From Our Free-Market Friends


You have two opportunities this year to attend Heartland's Emerging Issues Forum!

**Summer - Chicago, IL
August 7-8, 2016**

**Winter - Orlando, FL
December 15-17, 2016**

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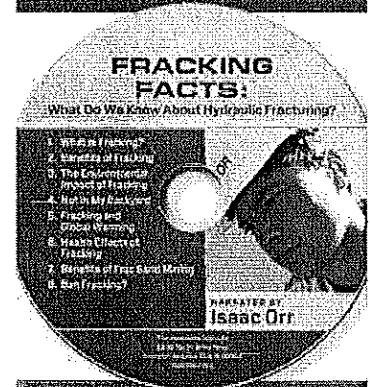
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The Buckeye Institute's Recently Updated Government Salary Search Engine

The Buckeye Institute recently updated its popular government salary search engine using 2015 data, the most recent information available. The Buckeye Institute's search engine allows users to see how the salaries of Ohio's public sector employees compare with those in the private sector. Such tools give citizens, policymakers, and the media the ability to hold government accountable for its spending practices. The search engine can also help the public and researchers answer the perennial question, "Do our public institutions reflect the communities they're funded to represent?" [View the search engine here](#)

FRACKING FACTS:

Heartland Research Fellow Isaac Orr reports on the pros and cons of fracking in a series of short videos.



GET THE DVD NOW!

POLICY NEWSPAPER



The September issue of *Health Care News* reports on a Kansas City, Missouri summit promoting direct primary care as a medical practice and payment model superior to the prevailing fee-for-service system. The summit was hosted by the American Academy of Family Physicians, Family Medicine Education Consortium, and American College of Osteopathic Family Physicians. The event drew

254 attendees, 17 exhibitors,
and 17 speakers.

[Environment & Climate
News](#)

[Budget & Tax News](#)

[School Reform News](#)

	Heartland Institute	Our Websites
	The Heartland Institute is a 32-year-old national non-profit organization dedicated to discovering, developing, and promoting free-market solutions to economic and social problems.	<u>The Heartland Institute</u> <u>Heartlander Magazine</u> <u>PolicyBot</u> <u>Somewhat Reasonable</u> <u>The Parent Trigger</u> <u>Climate Conference</u>

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Heartland Institute: The Government Relations Team | nmakia@heartland.org |

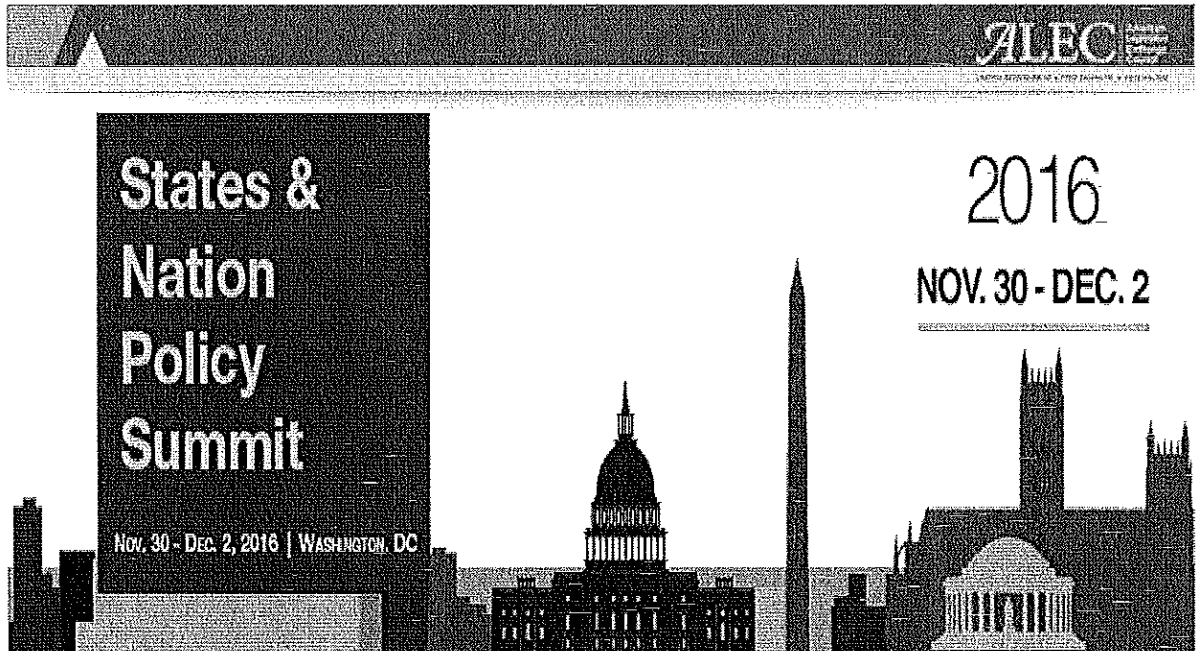
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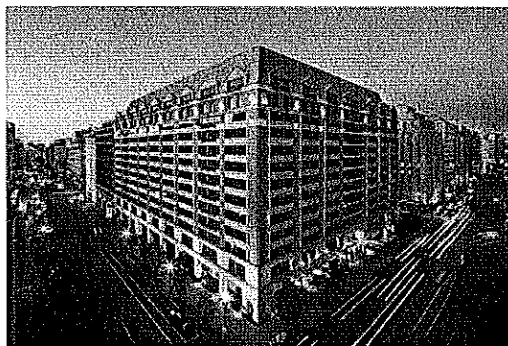
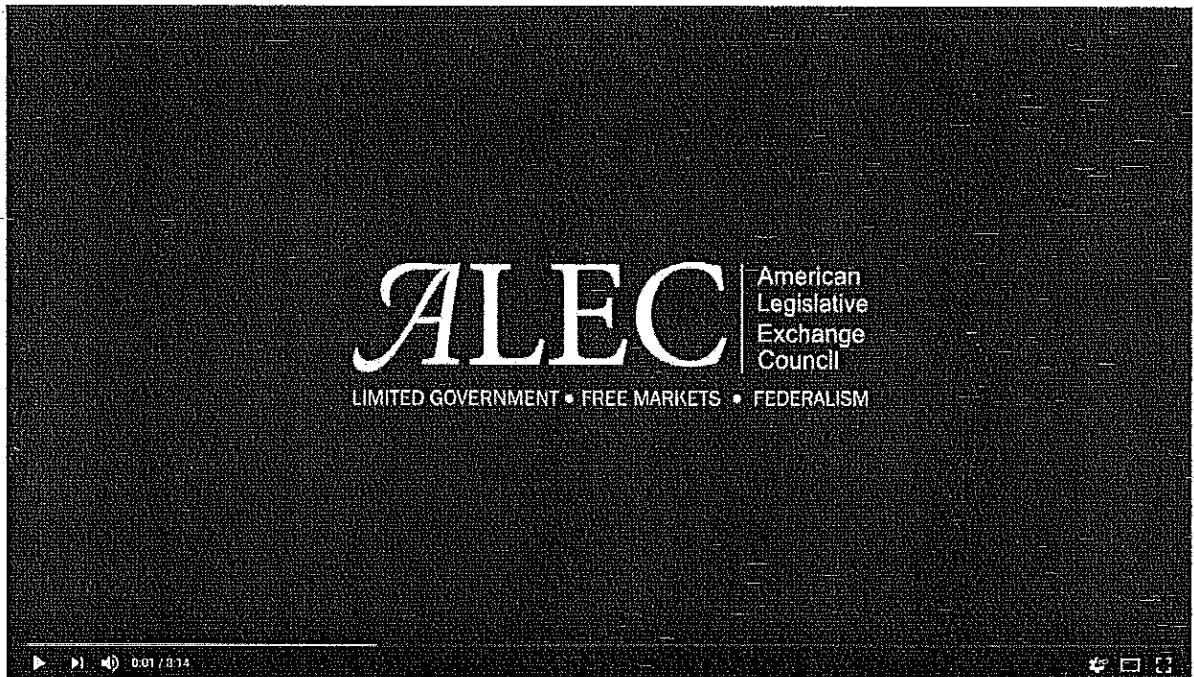
From: Courtney Cook
Sent: Monday, October 24, 2016 4:46 PM
To: Rep93
Subject: One week left to save!



"ALEC is an opportunity..."

Take a seat at the table and join the American Legislative Exchange Council (ALEC) in Washington, D.C.

There is no better time to get involved in ALEC. Click below to hear from ALEC leadership, past and present, on the important role ALEC plays in the states and to newly elected legislators. Take the opportunity to see what you can learn at the ALEC 2016 States and Nation Policy Summit.



**Reserve your room
today!**

Join ALEC and make your reservation at the Grand Hyatt Washington, in the heart of Washington, D.C. Book at the discounted rate of \$275!

**7
days left to
save!**

>> REGISTER NOW

Time is running out to save on your registration by booking during early

bird pricing. You have until **October 31** to save! On November 1, registration prices will increase.



Policy Spotlight - Do you know a legislative staffer?

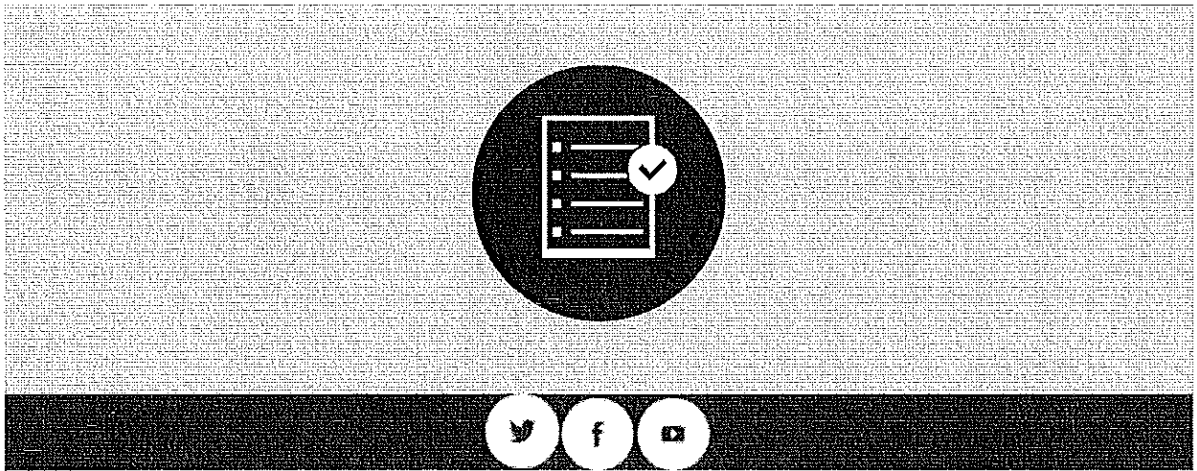
Are you are a state legislator? ALEC has a great opportunity for you: **ALEC is hosting a Legislative Staff Fellowship at the winter meeting, and would love to receive staff nominations from you.**

The program consists of a series of on-line educational sessions and a three-day, intensive program of training and networking with legislative staff members from around the country. Attendees can expect to hear from ALEC policy directors, experts and scholars on a number of different policy issues and discuss and debate the presentations with fellow participants.

This program includes hotel stay, meals and registration for the meeting, and allows for up to \$500.00 in travel reimbursements after the meeting. **The application for the program is available here**, so please check it out and send it on to any legislative staff members you think would be interested.

If you have any questions, please contact Lacey White at **LWhite@alec.org**.

More on the ALEC agenda for the 2016 States and Nation Policy Summit.



This message was sent to rep93@ohiohouse.gov from:

Courtney Cook | CCook@alec.org | ALEC | 2900 Crystal Drive, 6th Floor |
Arlington, VA 22202

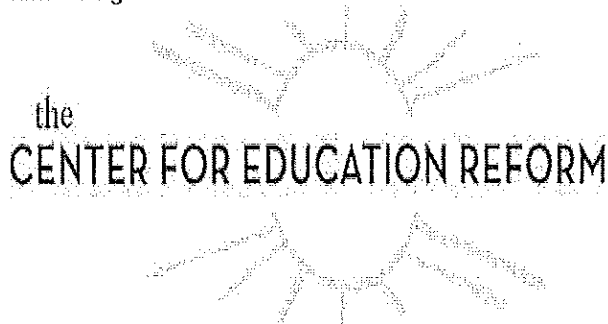
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Best practices and models to guide charter school
lawmaking

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Dear State Lawmaker,

Knowing it's critical for people in your position to have access to best practices and models to guide lawmaking, I am writing to share just such best practices.

The Next Generation Charter Schools Act is the product of a collaboration between The Center for Education Reform, informed state legislators and leaders working in education. It was proposed at the summer meeting of the American Legislative Exchange Council (ALEC) and adopted. It is now available for your review.

Charter schools have become the single most effective public school reform that provides opportunity to families and the freedom for schools to innovate, improve and address their most pressing needs without delays from bureaucracy or political pressure.

While the nation has 44 charter school laws (including the District of Columbia), the majority are inadequate to address the needs of students and parental demands. Strong laws result in strong schools. Twenty-three years of research and practice have shown that when laws are written to ensure freedom in exchange for accountability and not tied to existing education bureaucracies, a healthy, vibrant and

impactful charter environment grows. Strong charter schools also impact the health of traditional public schools, which have been shown to improve time and time again in the presence of numerous, diverse charter schools serving a variety of needs.

In contrast to other model bills, this model legislation provides for multiple authorizers of charter schools, equitable funding for students and facilities, and more autonomy for charters to cater to their mission and student's needs. Knowing how your own law addresses these components, and others is critical to paving the way for greater opportunity for all kids. (For a comparison and ranking of your state's current charter school law, we encourage you to take a look at the Center for Education Reform's Charter School Law Rankings, which we've published every year since 1996).

And of course, if you are in one of the seven states without a charter school law or one of the six with the worst charter law in the country, we strongly encourage you to consider ways you can implement these model policies.

As you endeavor to draft legislation to implement the model legislation's policies, we encourage you to reach out to us if you have any questions.

We appreciate ALEC's leadership on this issue and welcome your inquiry and invitation to support your efforts.

Best Regards,

A handwritten signature in cursive script, appearing to read "Jeanne".

Jeanne Allen
Founder and CEO

About the Center for Education Reform

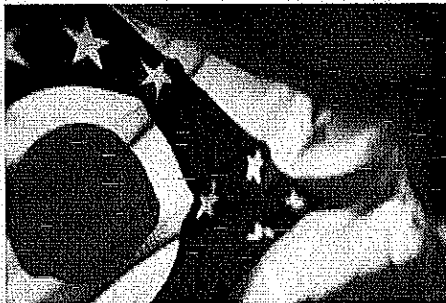
Founded in 1993, the Center for Education Reform aims to expand educational opportunities that lead to improved economic outcomes for all Americans — particularly our youth — ensuring that the conditions are ripe for innovation, freedom, and flexibility throughout U.S. education. We will do this by applying A New Opportunity Agenda to U.S. education so that every education policy effort moving forward is focused Innovation + Opportunity = Results.

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From: Columbus Lawyers Chapter of the Federalist Society
Sent: Thursday, October 27, 2016 7:01 AM
To: Rep93
Subject: You're invited to 2016 Election Review (Nov 10, 2016)

You are invited to the following event:

2016 ELECTION REVIEW



[Attend Event](#)

Event to be held at the following time,
date, and location:

Thursday, November 10, 2016 from 12:00
PM to 1:30 PM (EST)

The Athletic Club of Columbus

136 East Broad Street
Columbus, OH 43215

[View Map](#)

Share this event:



2016 Election Review

A Panel Discussion

Please join the Columbus Lawyers Chapter of the Federalist Society for our biennial post-election analysis. Our expert panel will discuss the impact of this year's election on the State and the Republic.

Featuring:

Stephen P. Carney (moderator)

Deputy Solicitor of Ohio

Roger L. Beckett

Executive Director of the Ashbrook Center at
Ashland University

Jo Ingles

Statehouse News Bureau

Thomas Suddes

Columbus Dispatch

The cost is \$20 (\$15 if you already paid Columbus Lawyers Chapter dues for the 2016-2017 program year, and \$5 for students). Lunch is included. R.S.V.P. by **November 7** to guarantee your seat, meal, and pre-printed nametag. Call Ben Flowers at (614) 281-3647 or email ColumbusFedSoc@Gmail.com with any questions. To join or renew your dues for the Columbus Lawyers Chapter, please pay the dues through the Eventbrite website or bring a check for an additional \$25 payable to the Federalist Society.

This invitation was sent to rep93@ohiohouse.gov by [Columbus Lawyers Chapter of the Federalist Society](#) the organizer. To stop receiving invitations from this organizer, you can [unsubscribe](#).

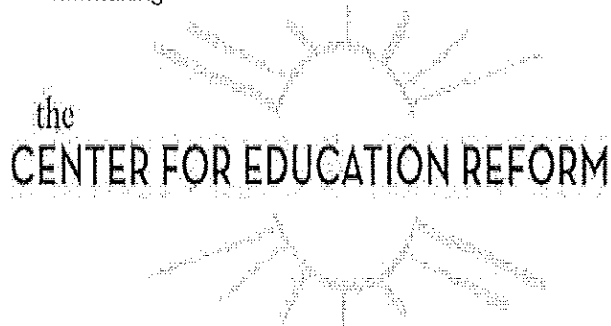
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Best practices and models to guide charter school
lawmaking

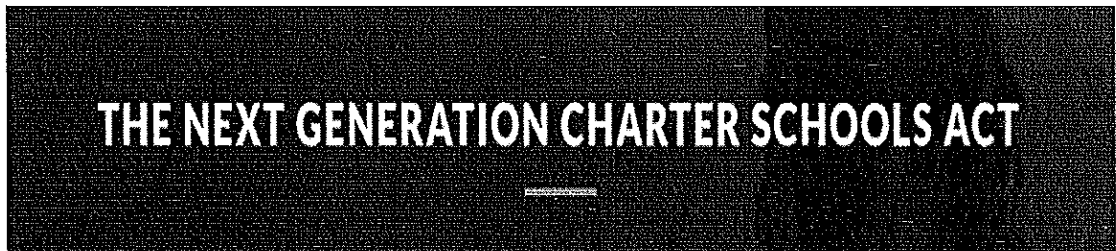
No Images? [Click here](#)



Dear State Lawmaker,

Knowing it's critical for people in your position to have access to best practices and models to guide lawmaking, I am writing to share just such best practices.

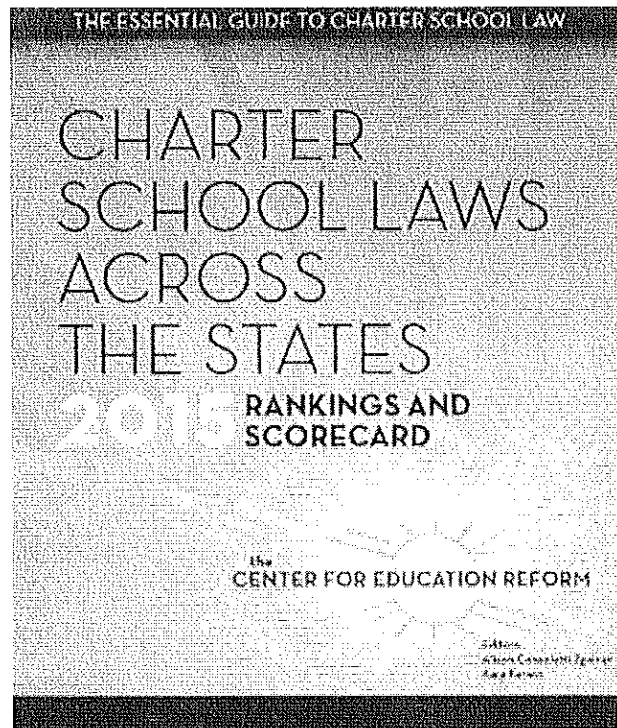
The Next Generation Charter Schools Act is the product of a collaboration between The Center for Education Reform, informed state legislators and leaders working in education. It was proposed at the summer meeting of the American Legislative Exchange Council (ALEC) and adopted. It is now available for your review.



Charter schools have become the single most effective public school reform that provides opportunity to families and the freedom for schools to innovate, improve and address their most pressing needs without delays from bureaucracy or political pressure.

While the nation has 44 charter school laws (including the District of Columbia), the majority are inadequate to address the needs of students and parental demands. Strong laws result in strong schools. Twenty-three years of research and practice have shown that when laws are written to ensure freedom in exchange for accountability and not tied to existing education bureaucracies, a healthy, vibrant and impactful charter environment grows. Strong charter schools also impact the health of traditional public schools, which have been shown to improve time and time again in the presence of numerous, diverse charter schools serving a variety of needs.

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Founder and CEO


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From: Courtney Cook
Sent: Sunday, October 30, 2016 2:33 PM
To: Rep93
Subject: Do Not Miss This...

Follow Up Flag: Follow up
Flag Status: Completed



Model Policies and Task Force Agendas Are Now Posted!



The 2016 States and Nation Policy Summit hosted in Washington, D.C. is right around the corner, and the model policies that will be discussed at the meeting and the individual task force agendas are now live on the [ALEC website](#).

Included on each task force web page are agendas for the task force meetings and task force subcommittees, as well as a list of the model policies for consideration and review. Review the draft policies, speakers and other agenda items for each task force meeting below:

- [Civil Justice](#)
- [Commerce, Insurance and Economic Development](#)
- [Communications and Technology](#)

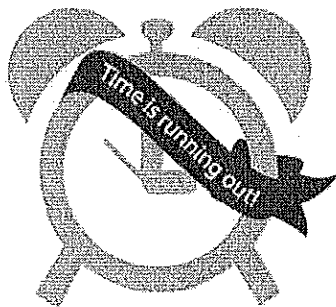
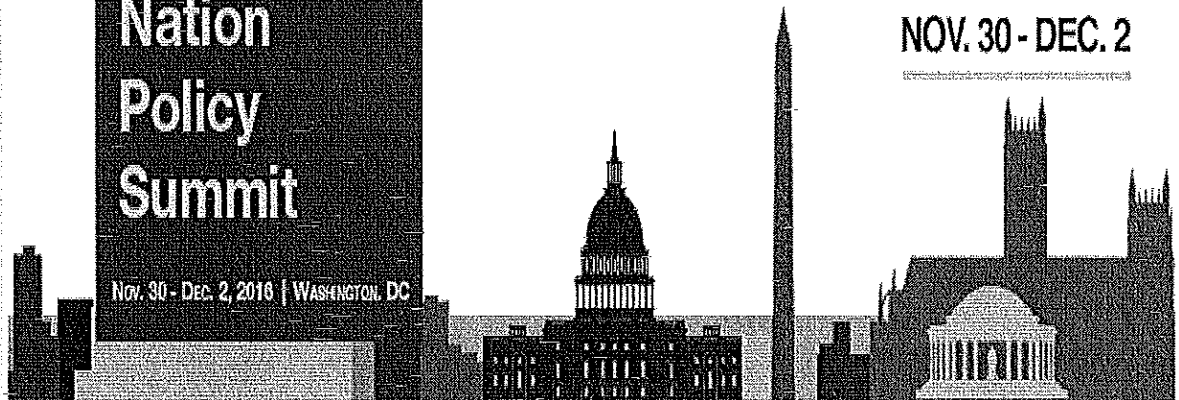
- Criminal Justice Reform
- Education and Workforce Development
- Energy, Environment and Agriculture
- Federalism and International Relations
- Health and Human Services
- Tax and Fiscal Policy

States & Nation Policy Summit

Nov. 30 - Dec. 2, 2016 | WASHINGTON, DC

2016

NOV. 30 - DEC. 2



Not Registered? Early Bird Rate is Ending Tomorrow!

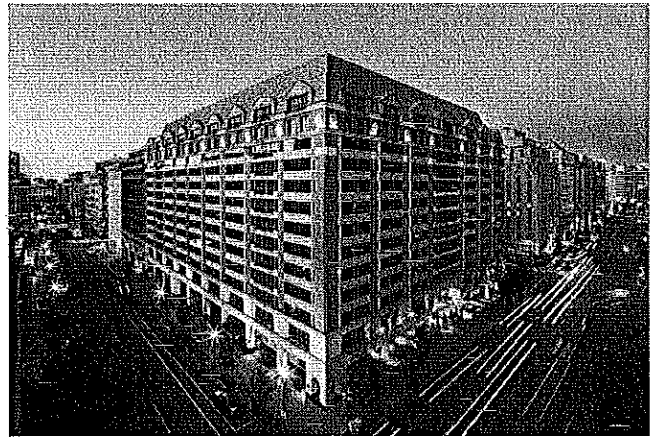
Time is running out to save on your registration by booking during early bird pricing. You have until October 31 to save! On Tuesday, registration prices will increase.

>> REGISTER NOW

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Join ALEC and make your reservation at the Grand Hyatt Washington, in the heart of Washington, D.C. Book today at the discounted rate of \$275!

Grand Hyatt Washington



Questions? Contact our Events Team

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Arlington, VA 22202

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From: Law360 In-Depth

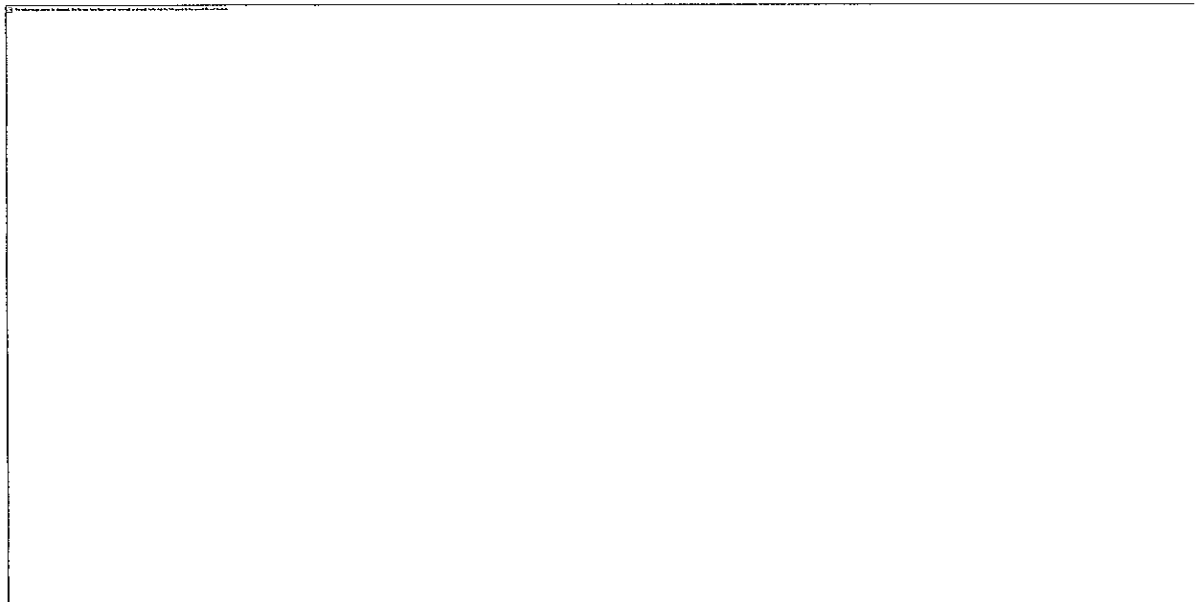
Sent: Monday, October 31, 2016 2:46 PM

To: Rep93

Subject: Special Report: Sexual Harassment & Pay Disparity In The Legal Industry



Feature

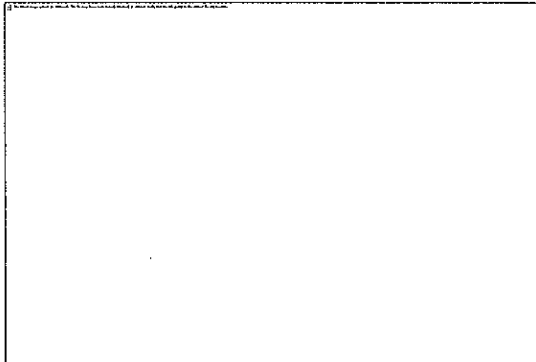


Legal Industry Struggles To Shake Its Sex Harassment Problem

By Sindhu Sundar

The American Bar Association is taking action to end sexual harassment, but the problem runs to the core of law firm culture.

Feature

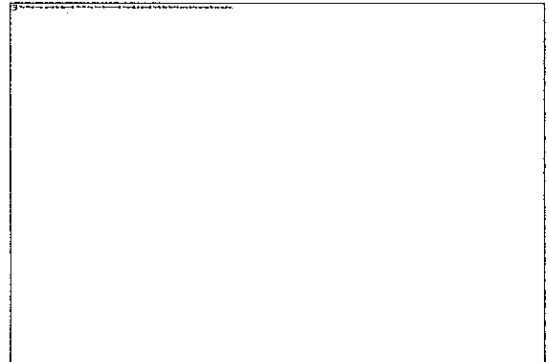


Women Fight Back Against The Lawyer Pay Divide

By Erin Coe

Female attorneys face one of the largest pay disparities of any profession, but an increasing number are confronting inequalities as law firms near a possible tipping point.

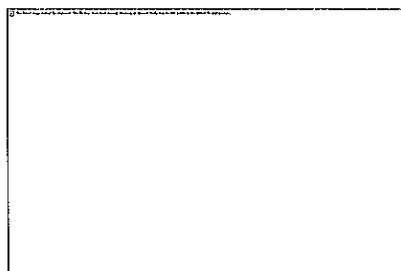
Q&A



25 Years Later: A Conversation With Anita Hill

By Sindhu Sundar

Amid a national discussion of sexual harassment sparked by Donald Trump's lightning-rod candidacy, Law360 spoke with Anita Hill about efforts to address the problem, 25 years after her iconic confirmation-hearing testimony.



Dispatch

What's In A Name? For Courthouses, Rarely Women

By Max Stendahl

There's one area of the judicial system where female attorneys are just starting out on the path to equality.

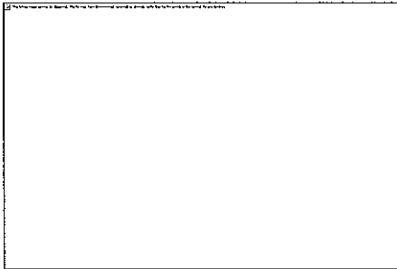


Sidebar

Colleen McMahon On Broadway Dreams And The City Of Lights

By Aeбра Coe

Chief U.S. District Judge Colleen McMahon opened up to Law360 during a recent 10-minute interview about the contents of her bucket list, penchant for home-remodeling television shows and early desire to be a Broadway star.

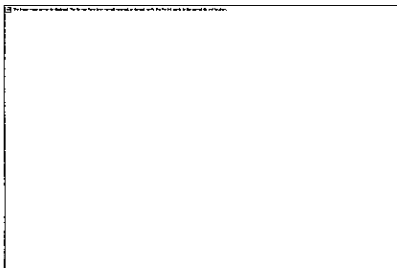


Secret Lives of Lawyers

Hirschler Fleischer's Courtney Paulk Swims The Open Water

By Bryan Koenig

Conquering the English and Catalina channels wasn't enough for marathon swimmer Courtney Paulk. So she's training for the round trip.



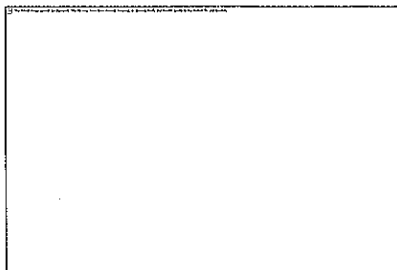
You Can Quote Me On That

The Best in Legal Talk

Kane's Kids, 'Bully' Baldwin, Patent Problems

By Richard McVay

Since our last edition, legal minds have discussed Alec Baldwin's Trump imitation, Florida's voter disqualification and Thomas Jefferson's patent positions. Here are the best lines from the legal world.



Op-Ed

How Sexual Harassment Stays Hidden

By Debra S. Katz and Hannah Alejandro, Katz Marshall & Banks LLP

Sex discrimination laws play a vital role in protecting women from unwelcome sexual conduct in the workplace and providing remedies when harassment does occur. For meaningful gender equality, the law can and must protect all victims by creating an atmosphere where sexual harassment is never worth it.

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From: Joshua Ha
Sent: Wednesday, November 2, 2016 9:56 AM
To: Rep93
CC: Mia Heck
Subject: REQUEST FOR SIGNATURE: ALEC Letter to Congress Medicare Part D
Attachments: 2016-10-14 ALEC Letter to Congress Part D.docx

Follow Up Flag: Follow up
Flag Status: Completed

Dear Representative Smith,

The American Legislative Exchange Council (ALEC) will be sending the attached letter to all Members of Congress to encourage their commitment to preserving competition and choice in the Medicare Part D program. This email is to request permission to include you as a supporter of our position on this issue. If we may add your name & title to the attached, please reply that you approve of our use of your name in support of this cause.

Thank you for your consideration, and we look forward to receiving your response.

Joshua Ha



Upcoming Meetings:

2016 States and Nation Policy Summit – November 30 – December 2, 2016 – Washington, D.C.

2017 State Task Force Summit – May 5, 2017 – Charlotte, NC

2017 Annual Meeting – July 19-21, 2017 – Denver, Colorado

The American Legislative Exchange Council is a 501(c)3 nonprofit organization and is the largest nonpartisan, voluntary membership organization of state legislators in the United States dedicated to the principles of limited government, free markets and federalism. The Council is governed by state legislators who comprise the National Board of Legislators and is advised by the Private Enterprise Advisory Council, a group of private, foundation and think tank members.

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November 10, 2016

Member of Congress
HOB/SOB
Washington, D.C.

Dear TBD,

Medicare Part D has successfully used market mechanisms such as competition and consumer choice to improve access to affordable prescription drug coverage. As a result of market negotiations between insurers and pharmaceutical companies, in the first decade of program, total Part D costs were \$349 billion less than projected estimates – an achievement unprecedented for a government program.

Those in the progressive movement remain ideologically opposed to the free market structure of Medicare Part D and are determined to undermine it. They continue to press for “mandatory rebates,” a government price control that could raise the premiums seniors pay by as much as 40%.

Additionally, demands for government negotiation of Medicare drug prices were once again included in President Obama’s 2017 budget and are a populist theme in presidential campaign rhetoric. Yet the Congressional Budget Office (CBO) has consistently stated that such a proposal would not score any savings, concluding that the government would not be able to negotiate prices that are more favorable than those obtained by current free market negotiations, unless they were to also restrict access to needed medicines.

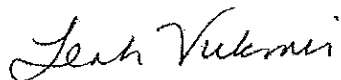
In support of government negotiation, proponents often mention the Veteran’s Administration as a model of comparison. Mia Heck, Director of the American Legislative Exchange Council’s Health and Human Services Task Force has noted that the VA “employs a process of ‘negotiation’ that is founded on restricting access to newer and more effective treatment for veterans. What typically makes the final formulary is the cheapest option for the Department, and does not include many of the exciting, more promising medical innovations that have recently come to

market.” A 2015 analysis by Avalere Health notes that the VA National Formulary does not offer access to nearly one-fifth of the top 200 most commonly prescribed Medicare Part D drugs. We reject rationing as an appropriate means of achieving savings.

Another assault on Part D has been proposing to force Medicare beneficiaries who receive the low income subsidy (LIS) to accept generic drugs despite what their physician deems most clinically appropriate. We reject the principle, so prominently embodied in the Affordable Care Act that the government should be allowed to come between patients and the best medical judgement of their doctors.

Part D is the free market beachhead in Medicare. The program is a successful template for broader healthcare reform and for the efficient delivery of benefits at many levels of government. On behalf of the millions of Americans that our organizations represent we urge you to reject efforts to weaken and undermine Part D.

Sincerely,



Senator Leah Vukmir (WI-5)
American Legislative Exchange Council (ALEC) National Chairman
Senate Assistant Majority Leader
Chairman, Committee on Health and Human Services
Vice-Chairman, Committee on Judiciary and Public Safety

Delegate Susan Krebs (MD-5)
Member, Health and Government Operations Committee
Member, ALEC Health and Human Services (HHS) Task Force

Representative John Nygren (WI-89)
Chairman, Committee on Finance
Co-Chairman, Joint Committee on Finance
Member, ALEC Health and Human Services (HHS) Task Force

Senator Peg Flory (VT- Rutland District)
Chairman, Senate Committee on-Institutions

Representative Donny Lambeth (NC-75)
Chairman, Health Committee

Representative Michael Vose (NH-9)

Representative Linda Miller (IA-94)
Chairman, Human Resources Committee

Representative Dennis Zent (IN-51)
Vice Chairman, Public Health Committee

Representative Ron Bacon (IN-75)
Member, Public Health Committee
Member, Medicaid Advisory Committee

Senator Andre Cushing (ME-10)
Assistant Senate Majority Leader, Maine-Senate
Board Member, ALEC

Senator Louis Pate (NC-7)
Deputy President Pro Tempore
Co-Chairman, Appropriations on Health and Human Services (HHS) Committee
Co-Chairman, Health Care Committee

Representative Kim Ferguson (MA-1st Worcester)

Representative Jason Saine (NC-97)
Vice Chairman, House Appropriations Committee
Co-Chairman, Joint Legislative Committee on Information Technology Oversight
Board Member, ALEC

Senator William Seitz (OH-8)
Board Member, ALEC

Representative Norine Kasperik (WY-22)
Chairman, Select Federal Natural Resource Management Committee

Board Member, ALEC

Representative Blair Thoreson (ND-44)
Chairman, Appropriations - Government Operations Division Committee
Board Member, ALEC

Senate President Wayne L. Niederhauser (UT-9)
Chairman, Legislative Management Committee
Board Member, ALEC

Alan Clemmons (SC- 107)
Chairman, House Rules Committee
Board Member, ALEC

Speaker Linda Upmeyer (IA-54)
Chairwoman, Legislative Council Committee
Board Member, ALEC

Representative David Frizzell (IN- 93)
Assistant Majority Floor Leader
Chairman, Family, Children and Human Affairs Committee
Board Member, ALEC

Speaker Ray Merrick (KS-27)
Chairman, Interstate Cooperation Committee
Chairman, Legislative Coordinating Council Committee
Vice-Chairman, Calendar and Printing Committee
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Chairman, Organization, Calendar and Rules Committee
Vice-Chairman, Legislative Coordinating Council Committee
Vice-Chairman, Commerce Committee
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Representative Nick Zerwas (MN-30A)
Chairman, Subcommittee on Licensing Committee

Majority Whip Gary W. Banz (OK-101)

Vice Chairman, A&B General Government Committee
Board Member, ALEC

Representative Phil King (TX-61)
Chairman, State and Federal Power and Responsibility Committee
Board Member, ALEC

Senator Jim Buck (IN-21)
Chairman, Commerce, Economic Development & Technology Committee
Ranking Member, Utilities Committee
Board Member, ALEC

Senator Joel Anderson (CA-38)
Vice-Chairman, Elections and Constitutional Amendments
Vice-Chairman, Public Safety
Board Member, ALEC

Representative Yvette Herrell (NM-51)
Chairman, Regulatory and Public Affairs

Representative John Piscopo (CT-76)
Board Member, ALEC

Senator Judson Hill (GA-32)
Chairman, Senate Finance Committee
ALEC Board of Directors
Chairman, ALEC Health and Human Services (HHS) Task Force

Representative Lou Terhar (OH-30)
Vice Chairman, Armed Services, Veteran Affairs, and Public Safety Committee
ALEC State Chair of Ohio

Representative Matt Manweller (WA-13)
Ranking Member, House Labor & Workplace Standards Committee

Representative Paul Hollis (LA-104)
Vice Chairman, Commerce Committee

Representative Liz Pike (WA-18)

Speaker Don L. Tripp (NM-49)

Mr. Matt Huffman
Senatorial Candidate, Ohio

Representative Brian Hill (OH-97)
Chairman, Agriculture and Rural Development Committee

Representative Andrew Thompson (OH-95)
Chairman, Finance Subcommittee on Agriculture, Development, and Natural
Resources

Representative Ron Young (OH-61)
Chairman, Commerce and Labor Committee

Senator Bill Coley (OH-4)
Vice Chairman, Finance Committee
Chairman, Government Oversight and Reform Committee
ALEC State Chair of Ohio

Senator Mike Padden (WA-4)
Chairman, Law and Justice Committee
Vice Chairman – Accountability and Reform Committee

Representative Jim Stalzer (SD-11)
ALEC State Chair of South Dakota

Senator Kim David (OK-18)
Chairwoman, Appropriations Subcommittee on Health and Human Services
ALEC State Chair of Oklahoma

Senator Gail Bates (MD-9)
ALEC State Chair of Maryland

Senator Seth Grove (PA-196)
Chairman, Education Subcommittee on Technical Education and Career Readiness
ALEC State Chair of Pennsylvania

Representative Michael Webber (MI-45)
Vice Chairman, Criminal Justice Committee
Vice Chairman, Government Operations Committee

Representative David Wolkins (IN-18)
Chairman, Environmental Affairs Committee
Vice Chairman, Select Committee on Government Reduction
ALEC State Chair of Indiana

Representative Harold Wright (OK-57)
Chairman, Higher Education & Career Tech Committee
ALEC State Chair of Oklahoma

Senator Bill Ketron (TN-13)
1st Vice Chairman, Senate Ethics Committee
Vice Chairman, Joint Fiscal Review Committee
ALEC State Chair of Tennessee

Representative Terri Collins (AL-8)
Chairwoman, Education Policy Committee
ALEC State Chair of Alabama

Senator Joseph Uecker (OH-14)
Chairman, State and Local Government Committee
Chairman, Agency Rule Review

Representative Louis Blessing (OH-29)
Chairman, Government Accountability and Oversight

Senator John Eklund (OH-18)
Chairman, Criminal Justice Committee

Representative Shelly Short (WA-7)
Chairwoman, House Minority Caucus
Assistant Ranking Member, Environment Committee

Representative Gary Glenn (MI-98)
Vice Chairman, Energy Policy Committee

Representative Brad Klippert (WA-8)
Ranking Member, Public Safety Committee

Mr. Rea S. Hederman, Jr.,
Executive Vice President, The Buckeye Institute

Mr. Charlie Katebi
Health Policy Analyst, Wyoming Liberty Group

Don Racheter, Ph.D.
President, Public Interest Institute

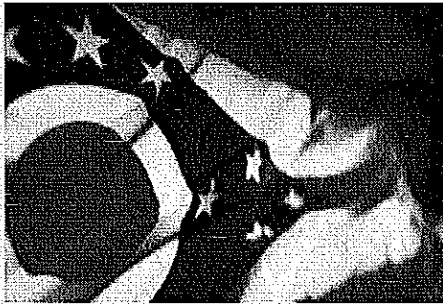
Ms. Beverly Gossage, HSA/HRA Specialist
President, HSA Benefits Consulting

The MacIver Institute

From: Columbus Lawyers Chapter of the Federalist Society
Sent: Thursday, November 3, 2016 7:01 AM
To: Rep93
Subject: Reminder: 2016 Election Review (Nov 10, 2016)

You are invited to the following event:

2016 ELECTION REVIEW



[Attend Event](#)

Event to be held at the following time,
date, and location:

Thursday, November 10, 2016 from 12:00
PM to 1:30 PM (EST)

The Athletic Club of Columbus
136 East Broad Street
Columbus, OH 43215

[View Map](#)

Share this event:



2016 Election Review

A Panel Discussion

Please join the Columbus Lawyers Chapter of the Federalist Society for our biennial post-election analysis. Our expert panel will discuss the impact of this year's election on the State and the Republic.

Featuring:

Stephen P. Carney (moderator)

Deputy Solicitor of Ohio

Roger L. Beckett

Executive Director of the Ashbrook Center at
Ashland University

Jo Ingles

Statehouse News Bureau

Thomas Suddes

Columbus Dispatch

The cost is \$20 (\$15 if you already paid Columbus Lawyers Chapter dues for the 2016-2017 program year, and \$5 for students). Lunch is included. R.S.V.P. by **November 7** to guarantee your seat, meal, and pre-printed nametag. Call Ben Flowers at (614) 281-3647 or email ColumbusFedSoc@Gmail.com with any questions. To join or renew your dues for the Columbus Lawyers Chapter, please pay the dues through the Eventbrite website or bring a check for an additional \$25 payable to the Federalist Society.

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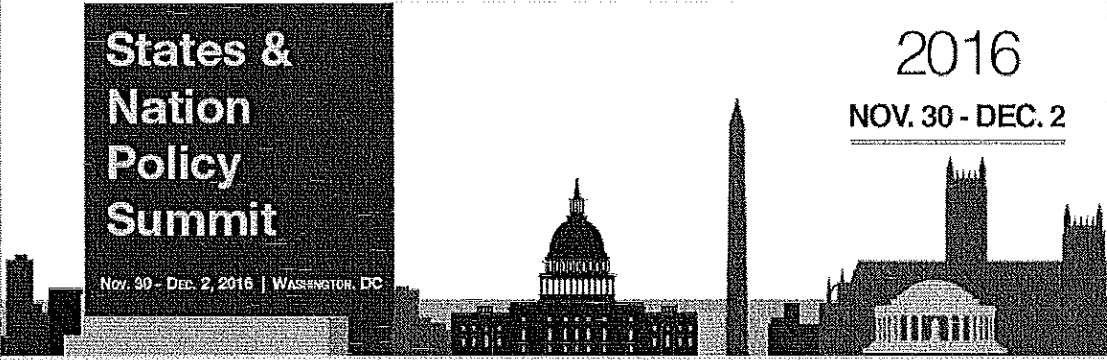
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States & Nation Policy Summit

2016
NOV. 30 - DEC. 2

Nov. 30 - Dec. 2, 2016 | Washington, DC



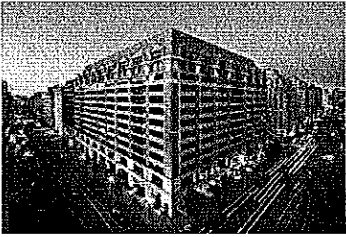
Policy Spotlight



Commerce,
Insurance and
Economic
Development

Wednesday Morning Subcommittees: Don't miss in-depth conversations with policy experts, job creators and other lawmakers in a setting that is geared toward discussion and collaboration. **The Task Force will hold four subcommittees on the morning of Wednesday, November 30.**

Act Now to Save!



There is limited time left to save on your hotel reservation at the Grand Hyatt Washington! The group rate will end on **November 8**. The hotel is selling out quickly so book now.

- Labor and Business Regulation Subcommittee – 8:00 AM to 8:50 AM
- Financial Services Subcommittee – 9:00 AM to 9:50 AM
- Transportation Subcommittee – 10:00 AM to 10:50 AM
- **NEW:** Joint Prosperity States Working Group – 11:00 AM to 11:50 AM

In addition to the subcommittee meetings, the full Task Force on Commerce, Insurance, and Economic Development will meet on

Thursday, December 1, from 2:30 PM to 5:30 PM.

To see a full list of Subcommittees and Task Force Meetings, please see the on-line agenda.

Grand Hyatt Washington

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There is still time to register for the 2016 States and Nation Policy Summit

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Register for the Summit in 3 easy steps:

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3. Answer a few questions

Questions? Contact our Events Team or visit our website

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Follow Up Flag: Follow up
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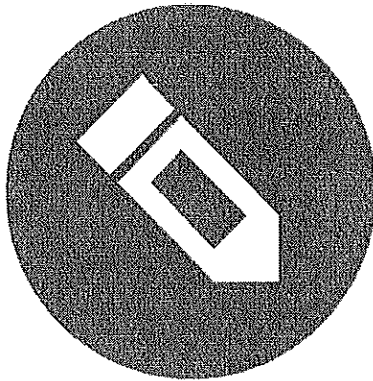
Room Block Extended!

Did you miss making a reservation at the Grand Hyatt for the States and Nation Policy Summit? Not to worry, we have extended the cut-off date to Friday, November 11.

Book at our low rate of \$275!

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Join ALEC in Washington, D.C. for the 2016 States and Nation Policy Summit!



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2. Call 571-482-5003 (No answer? We're probably helping someone on the other line. Leave a message and we will call you back.)
3. Answer a few questions

>> REGISTER NOW



Online Agenda

Are you wondering who is speaking at our States and Nation Policy Summit or what topics will be discussed? Check our online agenda for updates!

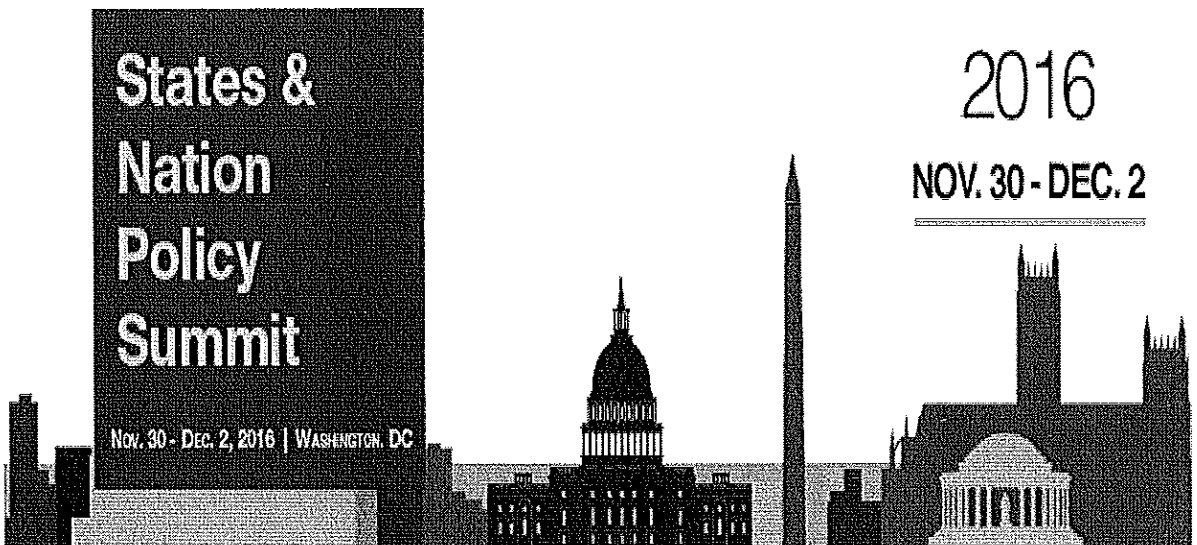
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**States &
Nation
Policy
Summit**

NOV. 30 - DEC. 2, 2016 | WASHINGTON, DC

2016

NOV. 30 - DEC. 2





[Questions? Contact our Events Team](#)

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Courtney Cook | CCook@alec.org | ALEC | 2900 Crystal Drive, 6th Floor |
Arlington, VA 22202

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From: Kasych, Shawn
Sent: Wednesday, November 9, 2016 5:35 PM
To: 'Cassie (Gaffney) Batson'; Rep91; Rep48; Rep93
CC: Derksen, Nick; Snider, Grace; Lundregan, Scott; Zielinski, Justin; Adrian Allison; Dan Good - Superintendent; David James; David Quolke; David Romick; Druant; Eric S. Gordon; Julie Sellers; Kevin Dalton; Krish Mohip; Larry Ellis; Mary Ronan; Pat Shipe; Paul Palomba; Rhonda Corr; Tracey Johnson; Lori McClung; Scarlett Boudier
Subject: RE: Education Policy Summit Follow Up

Extremely helpful Cassie!

Thanks so much again for your organization's participation. Never hesitate to contact me.

Shawn Kasych
Majority Policy Director
614.466.0863

From: Cassie (Gaffney) Batson [mailto:cassie@advocacyandcommunication.org]
Sent: Wednesday, November 09, 2016 5:23 PM
To: Rep91 <Rep91@ohiohouse.gov>; Rep48 <Rep48@ohiohouse.gov>; Rep93 <Rep93@ohiohouse.gov>
Cc: Derksen, Nick <Nick.Derksen@ohiohouse.gov>; Kasych, Shawn <Shawn.Kasych@ohiohouse.gov>; Snider, Grace <Grace.Snider@ohiohouse.gov>; Lundregan, Scott <Scott.Lundregan@ohiohouse.gov>; Zielinski, Justin <Justin.Zielinski@ohiohouse.gov>; Adrian Allison <allison_a@ccsdistrict.org>; Dan Good - Superintendent <superintendent@columbus.k12.oh.us>; David James <djames@akron.k12.oh.us>; David Quolke <dquolke@ameritech.net>; David Romick <DARomick@dps.k12.oh.us>; Druant <rdurant@tps.org>; Eric S. Gordon <Eric.Gordon@clevelandmetroschools.org>; Julie Sellers <jsellers@cft-aft.org>; Kevin Dalton <kevin.dalton.tft@gmail.com>; Krish Mohip <Krish.Mohip@youngstown.k12.oh.us>; Larry Ellis <yeaellis@aol.com>; Mary Ronan <ronanma@cpsboe.k12.oh.us>; Pat Shipe <pshipe@akronteach.org>; Paul Palomba <palomba8532@yahoo.com>; Rhonda Corr <RACorr@dps.k12.oh.us>; Tracey Johnson <johnsont@ceaohio.org>; Lori McClung <lori@advocacyandcommunication.org>; Scarlett Boudier <scarlett@advocacyandcommunication.org>
Subject: Education Policy Summit Follow Up

Good afternoon

On behalf of the Ohio 8 Coalition please see the attached memo following up on Speaker Rosenberger's Education Policy Summit on October 21, 2016.

Please let me know if you have any questions.

--

Cassie (Gaffney) Batson

Strategist

Advocacy & Communication Solutions, LLC

Offices in Ohio, Arizona, and Washington, D.C.

Toll-free: 877.372.0166, ext. 5

Cell: 440.292.5012

Cassie@advocacyandcommunication.org

www.advocacyandcommunication.org

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2015 Marcom Award Winner 2015 Weatherhead 100 Upstart Winner

From: Derksen, Nick

Sent: Thursday, November 10, 2016 5:23 PM

To: 'Cassie (Gaffney) Batson'; Rep91; Rep48; Rep93

CC: Kasych, Shawn; Snider, Grace; Lundregan, Scott; Zielinski, Justin; Adrian Allison; Dan Good - Superintendent; David James; David Quolke; David Romick; Druant; Eric S. Gordon; Julie Sellers; Kevin Dalton; Krish Mohip; Larry Ellis; Mary Ronan; Pat Shipe; Paul Palomba; Rhonda Corr; Tracey Johnson; Lori McClung; Scarlett Boudier

Subject: RE: Education Policy Summit Follow Up

Good evening Cassie,

Thank you very much for sending along these recommendations for The Ohio 8's participation in the Education Policy Summit.

Look forward to continued discussions moving forward.

Best,

Nick

614-466-2361

Nick.Derksen@ohiohouse.gov

From: Cassie (Gaffney) Batson [mailto:cassie@advocacyandcommunication.org]

Sent: Wednesday, November 09, 2016 5:23 PM

To: Rep91 <Rep91@ohiohouse.gov>; Rep48 <Rep48@ohiohouse.gov>; Rep93 <Rep93@ohiohouse.gov>

Cc: Derksen, Nick <Nick.Derksen@ohiohouse.gov>; Kasych, Shawn <Shawn.Kasych@ohiohouse.gov>; Snider, Grace <Grace.Snider@ohiohouse.gov>; Lundregan, Scott <Scott.Lundregan@ohiohouse.gov>; Zielinski, Justin <Justin.Zielinski@ohiohouse.gov>; Adrian Allison <allison_a@ccsdistrict.org>; Dan Good - Superintendent <superintendent@columbus.k12.oh.us>; David James <djames@akron.k12.oh.us>; David Quolke <dquolke@ameritech.net>; David Romick <DARomick@dps.k12.oh.us>; Druant <rdurant@tps.org>; Eric S. Gordon <Eric.Gordon@clevelandmetroschools.org>; Julie Sellers <jsellers@cft-aft.org>; Kevin Dalton <kevin.dalton.tft@gmail.com>; Krish Mohip <Krish.Mohip@youngstown.k12.oh.us>; Larry Ellis <yeaellis@aol.com>; Mary Ronan <ronanma@cpsboe.k12.oh.us>; Pat Shipe <pshipe@akronteach.org>; Paul Palomba <palomba8532@yahoo.com>; Rhonda Corr

<RACorr@dps.k12.oh.us>; Tracey Johnson <johnsont@ceaohio.org>; Lori McClung
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Cassie@advocacyandcommunication.org
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2015 Marcom Award Winner 2015 Weatherhead 100 Upstart Winner

From: Heartland Institute: The Government Relations Team
Sent: Friday, November 11, 2016 2:02 PM
To: Rep93
Subject: The Leaflet - What Does the Election Mean for States?



What Does the Election Mean for States?

Following an intense 2016 campaign season, Republicans defied pollsters' predictions, capturing the White House and maintaining control in the Senate and House of Representatives. As a result of Republicans' success on Election Day, Heartland is hopeful states will be given more flexibility to enact more robust reforms at the state level.

Republicans now control 33 governors' mansions, including flipping governorships in Missouri, New Hampshire, and Vermont. Prior the election, Republicans controlled 69 state legislative chambers and Democrats controlled 30 state legislative chambers. Republicans controlled both chambers of the legislature in 30 states, Democrats controlled both chambers in 12 states. Seven states split control. On November 8, Democrats won chambers in Nevada, New Mexico, and Washington. Republicans gained majorities in the Iowa State Senate, Kentucky House of Representatives, and Minnesota State Senate.

According to a recent National Conference of State Legislatures' blog, state legislative races also made their mark on Tuesday night: "In short, Republicans bested expectations. Having already reached the peak of control in party history, Republicans will maintain a similar level of control, in a year when many expected Democrats to net seats and chambers."

Election Night also ended with the passage and defeat of important ballot initiatives. Colorado overwhelmingly voted down ColoradoCare, a proposal which would have created a single-payer health care system in the state. Three out of the four tobacco and vapor tax increases were defeated; however, the one that passed (in California) was the largest of the four. Oregon voters defeated a gross receipts tax proposal, and Washington State rejected what would have been the country's first carbon tax.

John Nothdurft, The Heartland Institute's director of government relations, said in reaction to the 2016 election results, "In the 2017 legislative sessions, states are likely to be given greater autonomy to govern. In particular, the biggest change will come from being able to more easily reform Medicaid. In terms of other state policy trends, it is likely we will see more states pass right-to-work legislation, an expansion in educational choice, and regulations allowing for even more responsible domestic energy production."

The Heartland Institute congratulates all those elected officials who won their election or reelection campaigns. We look forward to working with you during the 2017 legislative session.

WHAT WE'RE WORKING ON

Budget & Tax

Research & Commentary: South Carolina Pension Reform Could Be on the Horizon

In this Research & Commentary, Senior Policy Analyst Matthew Glans discusses pension reform in South Carolina. He argues states should move away from defined-benefit pension systems and toward defined-contribution plans. "If the state passes serious pension reform, South Carolina will be able to eliminate the burden of future pension liabilities, avert the pension crisis, and make budgeting more predictable," Glans wrote. [Read more](#)

Education

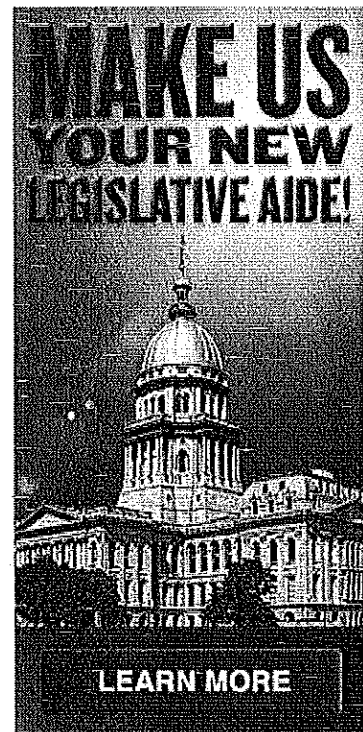
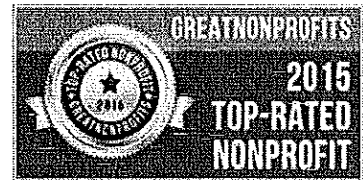
Public Dissatisfied with Learning Standards, Disagrees on Goals of Education, Poll Shows

In this story for School Reform News, Jenni White, a news reporter for The Heartland Institute, analyzes a new poll by Phi Delta Kappa that finds only 46 percent of Americans say the educational standards in their local public schools are "about right," while 43 percent believe expectations for student achievement are too low. The survey also found 59 percent of people oppose allowing students to opt out of standardized state tests, 84 percent would rather see a failing school kept open and improved than closed, 48 percent say charter schools should meet the same educational standards as other public school, and 46 percent say they should set their own standards, White reports. [Read more](#)

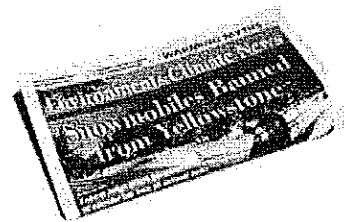
Energy & Environment

Research & Commentary: Hydraulic Fracturing Does Not Pose a Serious Threat to Groundwater

In this Research & Commentary, Policy Analyst Tim Benson writes despite protestations to the contrary and hysteric claims made by green activists, the existing peer-reviewed evidence shows hydraulic fracturing processes do not pose a systemic impact on groundwater. Since 2010, at least 15 of these studies have been produced, and federal, state, and local governments have tested thousands of sites for hydraulic fracturing pollution of groundwater and drinking water resources. There is no scientific justification for banning hydraulic fracturing or over-regulating it out of existence,



POLICY NEWSPAPER



The October issue of
Environment & Climate News

Benson writes. Regulation should only be based on the best available scientific literature, not on wild, unfounded claims based on misinformation, fear, and superstition. [Read more](#)

Health Care

Who's Not Afraid of Rising ACA Premiums?

Approximately 200,000 U.S. patients are paying up to 22 percent more now than they paid in August for health care coverage, without government assistance to ease the burden, and they don't seem to mind, partly because their coverage has nothing to do with the Affordable Care Act (ACA). In this edition of the Consumer Power Report, Michael Hamilton, managing editor of Health Care News, examines the skyrocketing cost of ACA health insurance policies and a new hike in premiums. "If Congress and the next president want to repair damage ACA has wrought on the U.S. insurance, health care, and job markets, they should learn from [Health Care Sharing Ministries]. Leaving these groups largely free from direct regulation under ACA has caused innovators to compete, families to flourish, and patients to prosper," Hamilton wrote. [Read more](#)

From Our Free-Market Friends

A Growing Movement: America's Largest Charter Public School Communities and Their Impact on Student Outcomes


Charter school student enrollment has tripled to 2.9 million students over the past 11 years, according to the latest National Alliance report. Three in 10 students now attend a charter public school in 17 mostly urban school districts across the country. For the first time this year, the annual National Alliance for Public Charter Schools enrollment share report also looks at student performance data and found that in districts where at least 30 percent of students are enrolled in charter schools, nearly all (14 of 16) had a higher percentage of test takers who scored proficient on state tests than did their district counterparts. Results are equally strong for economically disadvantaged charter school students. As parent demand for charter schools continues to strengthen, this year's A Growing Movement report shows that the charter school movement continues to expand to meet that demand and that, more importantly, charter schools are delivering results for students across the country. [Read more](#)

reports President Barack Obama signed into law a bill requiring labeling of food produced using genetically modified organisms (GMO). Having failed in earlier efforts to get voluntary labeling, farm groups, food companies, and the biotech industry supported the measure Obama signed, preferring a single national standard over a patchwork of state labeling laws. Daren Bakst, a research fellow in agriculture policy at The Heritage Foundation, considers that a mistake: "Congress, once again, took a bad situation and made it worse. ... There is no overly burdensome 'patchwork' of state laws justifying federal preemption through a federal mandatory labeling scheme."

Budget & Tax News

Health Care News

School Reform News

	Heartland Institute	Our Websites
	The Heartland Institute is a 32-year-old national non-profit organization dedicated to discovering, developing, and promoting free-market solutions to economic and social problems.	The Heartland Institute Heartlander Magazine PolicyBot Somewhat Reasonable The Parent Trigger Climate Conference

This message was sent to rep93@ohiohouse.gov from:

Heartland Institute: The Government Relations Team | nmakla@heartland.org |

Diane Bast | 3939 North Wilke Road | Arlington Heights, IL 60004

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From: Columbus 2020

Sent: Monday, November 14, 2016 4:06 PM

To: Rep93

Subject: Announcement of Keynote Speakers: Economic Development 411

Keynote speakers will include Cindi Marsiglio, Vice President of US Manufacturing for Walmart, and Alec Ross, author of "The Industries of the Future."

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ECONOMIC DEVELOPMENT 411

THE COLUMBUS REGION



KEYNOTE SPEAKERS ANNOUNCED

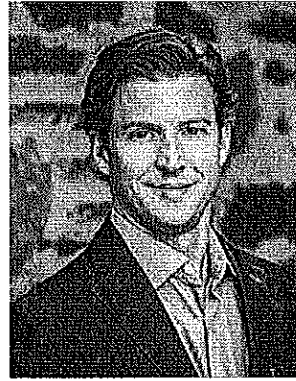
ED411 brings together elected officials and community, business and educational leaders to hear from keynote speakers and attend breakout sessions related to economic development. We are excited to introduce two fantastic keynote speakers for this year:

CINDI MARSIGLIO
VICE PRESIDENT OF US MANUFACTURING,
WALMART

ALEC ROSS
AUTHOR & DISTINGUISHED VISITING FELLOW
AT JOHNS HOPKINS UNIVERSITY



Cindi will speak about Walmart's US Manufacturing Initiative and the company's commitment to buy \$250 billion in products that support American jobs. Cindi leads the company's mission to facilitate the increased presence of US-made goods in Walmart stores and Walmart's Supplier Diversity program. [Full bio](#)



Alec Ross is one of America's leading experts on innovation. He is the author of The New York Times bestseller "[The Industries of the Future](#)," speaks to audiences around the world about the future of our economy and society, and helps entrepreneurs, investors and government leaders navigate disruptive change. [Full bio](#)

RESERVE YOUR SEAT NOW

Friday, December 2
8 a.m. - 1:15 p.m.

The Ohio Union at Ohio State University
Archie M. Griffin Grand Ballroom
1739 N. High St.
Columbus, OH 43210

A complete list of breakout sessions and an event schedule is available [here](#).

Seats are limited. Register [here](#) by November 28.

ED411 is hosted by the Mid-Ohio Development Exchange and Columbus 2020.

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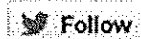
**COLUMBUS
2020**

Columbus 2020
150 S. Front St., Suite 200
Columbus, OH 43215

From: Public Policy Law360
Sent: Wednesday, November 16, 2016 5:05 AM
To: Rep93
Subject: Congress Likely Looking At Short Lam-Duck Session



Wednesday, November 16, 2016



TOP NEWS

Analysis

Congress Likely Looking At Short Lam-Duck Session

The GOP-controlled Congress has little reason to pursue a lengthy lame-duck session, experts say, as legislators will likely do little beyond keeping the lights on and the government funded before a Trump administration moves into town.

House GOP To Keep Same Leaders At Helm

House Republicans united behind much of their existing leadership Tuesday, setting up Speaker Paul Ryan for another term as the chamber's head and to embrace conservative legislative priorities ranging from an Affordable Care Act repeal to tax code overhauls and entitlement reform.

GOP Tells Departing SEC Chair No New Rules Before Trump

Republican lawmakers urged U.S. Securities and Exchange Commission Chair Mary Jo White at a congressional hearing Tuesday not to push through controversial rulemaking before she leaves the agency in January when Donald Trump is inaugurated as president, asking her to "respect" the results of the election.

Analysis

LAW FIRMS

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Cravath Swaine
Crowell & Moring
Davis Graham
Debevoise & Plimpton
Dentons
Dinsmore & Shohl
Earthjustice
Faegre Baker
Fenwick & West
Fredericks Peebles
Gibbons PC
Gibson Dunn
Holland & Knight
Hunton & Williams
Jones Day
K&L Gates

4 Transportation Priorities To Watch For Under Trump

Repairing and modernizing U.S. transportation and infrastructure will be a key focus of the incoming Republican White House under President-elect Donald Trump and the Republican-controlled Congress. Here are four legislative and policy priorities to watch.

IRS May Shrink To 3 Smaller Units Under House GOP Tax Plan

The existing structure of the Internal Revenue Service could be on shaky ground with Republicans controlling Congress and a proposal to shrink the agency to three smaller units focused on individual taxation, corporate taxes and dispute resolution based on the style of a small claims court.

House Votes To Extend Iran Sanctions Authority

The U.S. House of Representatives voted to pass an extension of the president's authority to sanction Iran on Tuesday, adding 10 years to a bill set to expire in December even as the Obama administration lifted the separate so-called secondary sanctions as a result of the nuclear weapons deal with Tehran.

Dakota Access Asks Judge To Force Corps' Hand On Pipeline

An Energy Transfer Partners unit asked a D.C. federal judge Tuesday for a ruling that the company can complete work on a controversial section of the \$3.8 billion Dakota Access pipeline, a day after the U.S. Army Corps of Engineers said it needed to hold more talks with the Standing Rock Sioux Tribe before construction could go forward.

BANKING & SECURITIES

NY To Keep Up Pressure On Banks In Age Of Trump

New York state's top financial regulator on Tuesday said that her agency will continue to

Kilpatrick Townsend
McCarter & English
McElroy Deutsch
McGlinchey Stafford
Millberg Gordon
Norton Rose Fulbright
Nossaman LLP
Ogletree Deakins
Peckar & Abramson
Skadden
Squire Patton Boggs
Steptoe & Johnson LLP
Stoel Rives
Western Environmental Law
Center
WilmerHale

COMPANIES

Activision Blizzard, Inc
Airbnb Inc.
Allergan PLC
America Fujikura Ltd.
American Civil Liberties Union
American Federation of Labor and
Congress of Industrial
Organizations
Consumer Reports
Delaware Riverkeeper Network
Electronic Frontier Foundation
Electronic Privacy Information
Center
Energy Transfer Partners, L.P.
Facebook
Ford Motor Company
International Brotherhood of
Teamsters
International Business Machines
Corporation
International Franchise
Association

actively oversee the banks, insurance companies and other firms it regulates even if their federal counterparts are ordered to pull back from their aggressive postures by the Trump administration.

ENERGY & ENVIRONMENTAL

NRDC Vows Stiff Opposition To Anti-Enviro Trump Policies

Leaders at the Natural Resources Defense Council, one of the nation's largest and most active environmental advocacy groups, on Tuesday said that the group will fiercely battle any attempt by President-elect Donald Trump to roll back climate change, pollution and other protections.

PennEast Pipeline Plan Still Falls Short, NJ Rate Agency Says

Continuing its resistance to PennEast's proposed 118-mile gas pipeline traversing New Jersey and Pennsylvania, the Garden State's ratepayer advocate told Federal Energy Regulation Commission on Tuesday that the project's backer still hasn't justified the need for the system or its expected returns.

Murray Energy Slams EPA Plan For Job Loss Analysis

Murray Energy Corp. told a West Virginia federal judge Monday that the U.S. Environmental Protection Agency's plan to comply with a court order to study the effects of its environmental regulations on jobs is a sign that the agency has "no intention" to actually comply with the order.

Power Industry Slams Enviros' Cooling Water Intake Suit

Power industry groups on Monday urged the Second Circuit to reject environmentalists' challenge to U.S. Environmental Protection Agency's regulations requiring electricity-generating plants and manufacturing facilities to

KPMG International
King Digital Entertainment PLC
Level 3 Communications Inc.
Murray Energy Corp.
National Association of Broadcasters
National Association of Manufacturers
National Collegiate Athletic Association
National Conference of State Legislatures
Natural Resources Defense Council
Netflix Inc.
New York Times Co.
Oracle Corp.
Pacific Legal Foundation
Pfizer Inc.
Raytheon Company
Republic Services, Inc.
Ross Stores Inc.
Sierra Club
South Carolina Bar
Tencent Holdings
The Boeing Company
The Cato Corporation
Turner Broadcasting System Inc.
U.S. Chamber of Commerce
Washington Post Co.
Wells Fargo & Co.
Williams-Sonoma Inc.

GOVERNMENT AGENCIES

Army Corps of Engineers
Bureau of Citizenship and Immigration Services
Bureau of Land Management
Cheyenne River Sioux Tribe

minimize damage to aquatic life caused by pulling in water from lakes and rivers.

Enviro Group Has Standing To Sue Over Fur Export Rules

A Montana judge allowed a suit by an environmental group against the U.S. Fish and Wildlife Service's fur export permit rules to go forward Monday, finding the federal government's own rules say it can't push all responsibility for fur trapping on the states.

HEALTH & LIFE SCIENCES

VA Puts Transgender Surgery Coverage On Hold

The U.S. Department of Veterans Affairs cited budgetary constraints in temporarily dropping its plans to cover gender-reassignment surgery for transgender veterans, noting Monday that the agency still wants to eventually provide that coverage.

MEDIA & ENTERTAINMENT

Conservative Groups Back Review Of NJ Sports Betting

Three conservative-leaning research groups argued the need for clarity over the scope of what the federal government can force on states, urging the U.S. Supreme Court to review a Third Circuit decision that shot down New Jersey's attempt to selectively repeal its anti-sports betting laws to allow such wagering at the state's casinos and horse race tracks.

TRANSPORTATION & INFRASTRUCTURE

Christie To Appeal Summons In Citizen's GWB Complaint

New Jersey Gov. Chris Christie will appeal the summons a state court judge imposed in a citizen's complaint alleging he allowed three of his appointees to orchestrate politically motivated lane closures on the George

Commodity Futures Trading Commission
Competition and Markets Authority
Consumer Financial Protection Bureau
Equal Employment Opportunity Commission
European Commission
Executive Office for Immigration Review
Federal Acquisition Regulatory Council
Federal Aviation Administration
Federal Bureau of Investigation
Federal Communications Commission
Federal Deposit Insurance Corp.
Federal Energy Regulatory Commission
Federal Reserve System
Federal Trade Commission
Fish and Wildlife Service
Government Accountability Office
Immigration and Customs Enforcement
Internal Revenue Service
NAFTA
National Archives and Records Administration
National Highway Traffic Safety Administration
National Institute of Standards and Technology
National Labor Relations Board
National Marine Fisheries Service
National Oceanic and Atmospheric Administration
National Transportation Safety Board
New Jersey Department of Environmental Protection

Washington Bridge, according to a court order issued Monday.

NHTSA Chief Defends Driverless Vehicle Data Collection

The head of the National Highway Traffic Safety Administration on Tuesday defended the agency's plan to collect safety data as part of its proposed automated vehicle technology policy despite resistance from automakers and developers, saying the companies' confidential business information would be protected.

INSURANCE

3rd Circ. Asked To Stay ACA Mandate Battle

A secular anti-abortion group asked the Third Circuit on Monday to temporarily halt its fight to overturn a court order and become exempt from providing health insurance covering contraception, saying there is related litigation pending.

REAL ESTATE

Chicago Homeowners Say Airbnb Rule Is Unconstitutional

Four Chicago homeowners on Tuesday filed a suit in state court challenging the city's "draconian and unintelligible" shared-housing ordinance, arguing it requires homeowners renting rooms through services like Airbnb Inc. to submit to warrantless searches, imposes an unfair tax and is full of otherwise harmful restrictions.

EMPLOYMENT

NLRB Joint Employer Test 'Unworkable,' DC Circ. Hears

Browning-Ferris Industries took its final shots against the National Labor Relations Board in a closely watched D.C. Circuit appeal over the legality of the board's recently revised joint-employer standard, with the waste management

New York State Department of Financial Services

Occupational Safety and Health Administration

Office of the Comptroller of the Currency

Office of the U.S. Trade Representative

Port Authority of New York & New Jersey

Securities and Exchange Commission

Standing Rock Sioux Tribe

U.S. Army

U.S. Department of Defense

U.S. Department of Education

U.S. Department of Energy

U.S. Department of Health and Human Services

U.S. Department of Homeland Security

U.S. Department of Justice

U.S. Department of Veterans Affairs

U.S. Department of the Interior

U.S. Department of the Treasury

U.S. Environmental Protection Agency

U.S. House of Representatives

U.S. Senate

U.S. Supreme Court

United Nations

Washington Attorney General's Office

company saying the new test "creates an amorphous, unworkable fog" for employers.

Wash. High Court Wary Of Florist's Same-Sex Objections

In a case pitting religious freedom against the new right to gay marriage, the Washington Supreme Court on Tuesday appeared reluctant to shield a Christian florist from discrimination liability for refusing to serve same-sex weddings.

COMPETITION

Brexit May Let UK Watchdog Blaze Its Own Antitrust Path

The U.K.'s decision to leave the European Union could open the door for Britain's competition watchdog to develop its own line of policy as the digital economy poses a host of new antitrust challenges, the agency's top enforcement official said Tuesday.

PRIVACY & CONSUMER PROTECTION

Privacy Group Wants FBI To Disclose Biometric Data-Sharing

The Electronic Privacy Information Center is pushing a D.C. federal court to force the FBI to fork over long-withheld documents that are believed to reveal the extent to which the agency shares with the U.S. Department of Defense information from a massive biometrics database.

IoT Regs Needed To Thwart Cyber Threats, Congress Told

Vulnerabilities exposed by an October cyberattack that crashed a host of popular websites must be addressed through regulation of security for internet-of-things devices, cybersecurity experts told the House Committee on Energy and Commerce Tuesday.

Feds Slam NC's Bid For Transgender Witnesses' Medical Info

The U.S. Department of Justice urged a North Carolina federal court Monday to not allow the state to obtain transgender witnesses' medical and health records, information that potentially endangers the individuals' privacy rights, because they are not relevant to the legality of the state's now infamous bathroom law.

GOVERNMENT CONTRACTS

GAO Recommends More Transparency For Fed's Stress Tests

The Federal Reserve on Tuesday promised to make its stress-test programs more transparent, a statement that coincided with the release of a U.S. Government Accountability Office report that found that a lack of transparency, among other limitations, could hinder the supervisory tests' effectiveness.

No Funds For Anti-Whistleblowing Contractors, DOD Says

The U.S. Department of Defense issued a prohibition Monday barring federal dollars from going to contractors that use confidentiality agreements to bar their employees from reporting waste, fraud and abuse.

INTERNATIONAL TRADE

Peru Stepping Up Efforts Against Illegal Logging

The government of Peru has revealed a number of steps to curb illegal lumber harvesting and export, the Office of the United States Trade Representative announced Tuesday.

TAX

IRS' Debt-Equity Rule In Jeopardy Under New Administration

Recently finalized regulations that characterize debt as equity for tax purposes could potentially be revoked under President-elect Donald Trump's administration and a Republican-controlled Congress, according to House Ways

and Means Committee Chairman Kevin Brady, R-Texas.

IRS Aims To Block NAM Brief In Anti-Inversion Rule Fight

The Internal Revenue Service slammed the National Association of Manufacturers for trying to weigh in on a suit over a recent corporate inversion rule, arguing Tuesday in Texas federal court that the claims not only come too late but are also nearly identical to those already made.

NJ High Court To Hear Fight Over Jersey City Tax Abatement

The New Jersey Supreme Court has agreed to determine whether or not a developer can apply a 2003 change in state law that let builders keep more profits under municipal tax abatement deals to agreements it struck with Jersey City in 2000 and 2001.

IRS Chief's Impeachment Must Proceed, Ohio Rep. Says

Rep. Jim Jordan, R-Ohio, called for continued efforts to impeach IRS Commissioner John Koskinen after the agency denied a conservative advocacy group nonprofit status, saying Monday that the IRS "has not changed its ways" since being accused of political bias.

IMMIGRATION

Court Location, Judges Impact Asylum Grants, GAO Finds

The success rate of immigrants seeking asylum varies widely depending on where their request originates and what court has jurisdiction over it, the Government Accountability Office said in a report released Monday.

Ban On 'Sanctuary Cities' A Priority For Texas Senate

A Texas state senator on Tuesday launched a legislative campaign to stop so-called sanctuary cities in the state, a measure designated to be

high-priority by the lieutenant governor, in a bill that would require cities to comply with U.S. Immigration and Customs Enforcement detainers.

NATIVE AMERICAN

BLM's Final Methane Flaring Rule Greeted With Industry Suit

The U.S. Bureau of Land Management on Tuesday unveiled its final rules for venting and flaring of methane gas on federal and Native American lands, facing an immediate legal challenge in Wyoming district court alleging the rule is outside the agency's authority.

TELECOMMUNICATIONS

Congressional Repubs Call On FCC To Halt Major Actions

Hill Republicans on Tuesday asked Federal Communications Commission Chairman Tom Wheeler to stop all action on complex or controversial issues during the transition to a new president, saying that Democrats requested the same after the election of President Barack Obama in 2008.

FCC Allows Gov't To Make Debt Calls Under TCPA Exception

The Federal Communications Commission has passed a final rule exempting debt collection calls by the federal government from restrictions against autodialed, prerecorded calls under the Telephone Consumer Protection Act, according to a notice scheduled for publication in the Federal Register on Wednesday.

Broadcasters Challenge FCC Ownership Rules In DC Circ.

The National Association of Broadcasters brought a challenge to the Federal Communications Commission's media ownership restrictions in the D.C. Circuit Monday, claiming the agency acted arbitrarily

and capriciously in tightening the restrictions in its most recent quadrennial reviews.

EXPERT ANALYSIS

What To Expect From Trump's Environmental Policies

The results of last week's election, which will bring in a new presidential administration and new Congress, will greatly impact environmental policy. We anticipate significant changes, challenges and opportunities, says Andrew Wheeler, co-leader of the energy and natural resources industry team at FaegreBD Consulting.

Weeding Through Calif. Prop 64: Employer Takeaways

California voters recently passed Proposition 64 legalizing recreational marijuana for individuals over the age of 21. These changes raise several immediate questions about what, if anything, employers need to do and whether the initiative created any new employee rights, say attorneys at Arent Fox LLP.

What's Next For US-Mexico Bilateral Trade Under Trump?

Withdrawal from NAFTA might not be the only alternative to keep U.S. companies from moving production offshore — assuming that is one of the main goals in considering such a withdrawal, says Carlos Vejar, a partner with Holland & Knight LLP and former general counsel for international trade in Mexico's Ministry of Economy.

DOD Rule Would Create Export Control Issues For Contractors

If implemented, the U.S. Department of Defense's proposed rule on withholding unclassified technical data could impact or potentially inhibit the submission of contractor export violation disclosures to the U.S. Departments of State and Commerce, say Andy

Irwin and Michael Mutek of Steptoe & Johnson LLP.

Inside NHTSA's Proposed Cybersecurity Best Practices

The cybersecurity best practices for automakers recently proposed by the National Highway Traffic Safety Administration are nonbinding. The guidance does, however, suggest that NHTSA may eventually utilize its safety mandate "to cover vehicle cybersecurity" and may foreshadow regulatory or legislative action to come, say attorneys at Crowell & Moring LLP.

LEGAL INDUSTRY

Fortunes Rise For Associates, Fall For BigLaw, Report Says

Associate pay raises ushered in by many BigLaw firms earlier this year have begun to impact those firms' financial figures, according to a report out Tuesday by Citi Private Bank.

\$50K Reward Offered For Info On Kilpatrick Partner's Killer

An anonymous donor is offering a \$50,000 reward for any information that leads to an arrest and conviction in the recent shooting death of Kilpatrick Townsend & Stockton LLP managing partner and intellectual property attorney Jim Gilliland, the El Cerrito Police Department announced Monday.

Dentons Enters Central America With New Firm Combo

Dentons is proposing a combination with a 75-attorney firm with offices in three Central American countries, a move that would make it the first global law firm in the region if the deal is approved by partners on both sides, the firm announced Tuesday.

Ogletree Deakins Mourns Death Of Founder Jimmie Stewart

Ogletree Deakins Nash Smoak & Stewart PC is mourning the loss of founding shareholder J. Hamilton "Jimmie" Stewart III, a labor law expert and mentor to many who died last week at age 73.

Rainmaker Q&A: WilmerHale's Michael Summersgill

Patent litigation is like a competitive sport. You've got to field a great team, develop the right strategy, be prepared to adjust, and then execute. You win and then you move on to the next case and it really doesn't matter in the next case that you won the last one, says Michael Summersgill, a litigation partner at WilmerHale.

Rainmaker Q&A: Fenwick & West's Mark Stevens

No one benefits in the long run if the client doesn't get what it needs. Years ago, I found myself cringing when I heard another lawyer giving advice that made legal sense, but clearly wasn't useful to the client. I told myself I'd never do that, says Mark Stevens, a corporate partner at Fenwick & West LLP.

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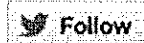
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From: Public Policy Law360
Sent: Thursday, November 17, 2016 7:26 AM
To: Rep93
Subject: Trump's SEC Likely To Shrink Back Where White's Expanded



Thursday, November 17, 2016



TOP NEWS

Trump's SEC Likely To Shrink Back Where White's Expanded

U.S. Securities and Exchange Commission Chair Mary Jo White's signature policy of demanding admissions in cases of egregious fraud will likely remain when she steps down in January, but experts said her eventual replacement will probably pull back from her "broken windows" enforcement style and slow the agency's rulemaking flow.

Analysis

Trump's Plan To Deport 2M Immigrants Will Face Roadblocks

President-elect Donald Trump has said he plans to deport 2 million to 3 million unauthorized immigrants with criminal records, but that number is likely inflated, and experts suggest deportations could be slowed by court hearings, with some cities further complicating the process by refusing to abandon their "sanctuary" status.

DOL Persuader Rule Permanently Blocked By Texas Judge

A Texas federal judge permanently blocked the U.S. Department of Labor from enforcing a new rule expanding employers' disclosure requirements related to union-organizing

LAW FIRMS

Alston & Bird
Arent Fox
Baker Botts
Beeson Tayer
Covington & Burling
Cravath Swaine
Davis Polk
Debevoise & Plimpton
Dentons
Earthjustice
Epstein Becker Green
Foley & Lardner
Freehill Hogan
Graves Dougherty
Greenberg Traurig
Husch Blackwell
Jacobson Burton
K&L Gates
Kaufman Dolowich
Kemp Smith
Kirkland & Ellis
Kramer Levin
Littler Mendelson
Lowenstein Sandler
Mayer Brown
McCarter & English

campaigns, concluding Wednesday that the rule is unlawful.

Analysis

Colo. Tax Reporting Row Unlikely To Nix Physical Tie Rule

States frustrated by a U.S. Supreme Court ruling barring them from collecting transaction taxes from retailers that don't have a physical presence within their borders may be futilely relying on a petition from Colorado that the high court is unlikely to review because the case only addresses the scope and not the actual substance of the controversial ruling, experts say.

Analysis

Trump Administration Figures To Keep Sanctions Bar On Alert

President-elect Donald Trump's unpredictable approach to governance has already raised alarm on the sanctions bar as attorneys prepare for potentially drastic changes that the former real estate tycoon may pursue with regard to U.S. foreign policy toward Iran, Russia and Cuba.

FCC Cancels Business Data Services Vote After GOP Pressure

Federal Communications Commission Chairman Tom Wheeler on Wednesday heeded a call from congressional Republicans to halt action on major items during the presidential transition, dropping new rate regulations in the business data services market from consideration at Thursday's agency meeting.

Don't Pass Lame-Duck Rules, House GOP Warns Agencies

House Republican leaders on Tuesday sent a letter to government agencies requesting a moratorium on passage of any pending regulations until President-elect Donald Trump's inauguration.

McGuireWoods
Mintz Levin
Morrison Cohen
Norton Rose Fulbright
Ogletree Deakins
Orrick Herrington
Pepper Hamilton
Reed Smith
Sedgwick LLP
Seyfarth Shaw
Smith Robertson
Sprague & Sprague
Squire Patton Boggs
Stradling Yocca
Stroock & Stroock
Thompson & Knight
Thompson Coburn
Weil Gotshal
Welder Leshin
Wilkinson Walsh
WilmerHale
Zuckerman Spaeder

COMPANIES

ALLETE Inc.
AT&T Inc.
Airbnb Inc.
AlixPartners
Altman Weil Inc.
America Fujikura Ltd.
American Cable Association
American Enterprise Institute
American Federation of Labor and Congress of Industrial Organizations
American Federation of Teachers
American Petroleum Institute Inc.
Apple Inc.
British Broadcasting Corp.

Citing Garland, Feinstein Vows To Scrutinize Trump AG Pick

Sen. Dianne Feinstein, D-Calif., ascended to the ranking position on the Senate Judiciary Committee on Wednesday promising to scrutinize President-elect Donald Trump's picks for attorney general and the courts, invoking Republicans' treatment of U.S. Supreme Court nominee Merrick Garland.

Senate Democrats Pick NY's Schumer As Leader

The Republicans in the Senate kept their leadership the same for the next Congress, and Sen. Chuck Schumer, D-N.Y., took on the minority leadership role on Wednesday in an election that also swept Sens. Joe Manchin and Bernie Sanders into leadership roles.

BANKING & SECURITIES

Higher Equity Levels Means Safer Banks, Minn. Fed Says

Federal Reserve Bank of Minneapolis President Neel Kashkari unveiled a plan Wednesday that he said would end the problem of too-big-to-fail banks by significantly boosting the equity capital levels they need to maintain.

ENERGY & ENVIRONMENTAL

Ex-Pa. DEP Head Raises Post-Election Climate Change Fears

The former head of Pennsylvania's Department of Environmental Protection lambasted the state General Assembly's Republican majorities and President-elect Donald Trump for their alignment on environmental issues in remarks Tuesday, but said litigation could serve as a counterweight.

Army Corps Looks To Exit Enviro's Barge Facility Suit

The Army Corps of Engineers on Tuesday asked a Texas federal judge to toss negligence claims brought against it by an environmental

Center for Biological Diversity Inc.
Comcast Corporation
Competitive Carriers Association
Council on Foreign Relations
Devon Energy Corporation
Environmental Defense Fund Inc.
Facebook
Fannie Mae
Freddie Mac
Google Inc.
International Brotherhood of Teamsters
International Franchise Association
Intuit Inc.
JPMorgan Chase & Co.
Lateral Link Group
LinkedIn Corp.
Mohegan Sun
Mortgage Bankers Association
Mylan NV
National Association of Broadcasters
National Association of Manufacturers
National Congress of American Indians
National Corn Growers Association
National Federation of Independent Business
National Indian Gaming Association
National Retail Federation Inc.
Netflix Inc.
New York Times Co.
Newegg Inc.
Overstock.com Inc.
PayPal Inc.
Sierra Club

group over the approval of the construction of an industrial barge facility, arguing the Corps doesn't have the authority to offer the relief the group is seeking.

DC Circ. Halts Biofuel Challenge To EPA Aircraft GHG Rule

The D.C. Circuit on Monday held in abeyance a coalition of biofuel and agricultural industry groups' challenge to the U.S. Environmental Protection Agency's recent finding that greenhouse gas emissions from aircraft endanger human health and the environment.

US Unveils Ambitious Climate Goals At UN Forum

The White House released at a United Nations meeting Wednesday an ambitious plan to "deeply decarbonize" the U.S. economy by 2050, amid growing skepticism that President-elect Donald Trump will carry on the Obama administration's commitment to climate action.

DOE Cancels Oil And Gas Leases In Mont. Tribal Area

The U.S. Department of the Interior on Wednesday said that it has canceled 15 oil and gas leases in the Badger-Two Medicine region of Montana in collaboration with Devon Energy Corp. and the Blackfeet Nation, which considers the land sacred, nearly eliminating all such leases in the area.

DOE Approves US-Canada Renewable Power Line

Minnesota Power's 224-mile cross-border transmission line received a presidential permit from the U.S. Department of Energy on Wednesday, the final major approval it needed before construction could begin on the project, which will bring renewable energy from Canada's hydropower resources to customers in Minnesota.

Groups Seek Full Record Behind FDA's GMO Salmon Approval

Spotify Technology SA
Syngenta AG
T-Mobile USA Inc.
Turner Broadcasting System Inc.
Twitter Inc.
U.S. Bancorp
U.S. Chamber of Commerce
United Steelworkers
Verizon Communications
Wayfair LLC
Wells Fargo & Co.
Yahoo! Inc.
Zeughauser Group LLC

GOVERNMENT AGENCIES

Army Corps of Engineers
Blackfeet Nation
Bureau of Land Management
Centers for Medicare & Medicaid Services
Congressional Budget Office
Consumer Financial Protection Bureau
Department of Commerce
Equal Employment Opportunity Commission
European Commission
Executive Office of the President
Federal Bureau of Investigation
Federal Communications Commission
Federal Emergency Management Agency
Federal Reserve System
Federal Trade Commission
Fish and Wildlife Service
Food and Drug Administration
Immigration and Customs Enforcement
Internal Revenue Service

The U.S. Food and Drug Administration is holding back documents related to its approval of AquaBounty Technologies Inc.'s genetically engineered salmon for human consumption, a coalition of groups challenging the agency's decision told a California federal court Tuesday.

HEALTH & LIFE SCIENCES

Senator Wants DOJ To Testify At EpiPen Rebate Hearing

The chairman of the U.S. Senate Judiciary Committee on Tuesday urged the U.S. Department of Justice to change its mind and send someone to testify at an upcoming hearing looking into a settlement the DOJ reached with Mylan NV over underpaid Medicaid rebates.

REAL ESTATE

HUD Passes New Rental Assistance Rules, Skips NYC

The U.S. Department of Housing and Urban Development said Tuesday it has changed the way it calculates rental subsidies for some Section 8 voucher holders in an effort to help tenants move to more affluent neighborhoods, but the changes will not apply to New York City after objections were raised by local politicians.

EMPLOYMENT

Injunction Ruling Expected Next Week In DOL Overtime Case

A Texas federal judge said he'll decide by Nov. 22 whether to stop the U.S. Department of Labor's new overtime rules from taking effect as scheduled on Dec. 1, as 21 states and dozens of business groups push for an end to what they say is an unlawful change.

Union, NLRB Urge DC Circ. To Uphold Joint Employer Rule

The National Labor Relations Board and Teamsters Local 350 have each filed their final briefs with the D.C. Circuit backing the board's

Little River Band of Ottawa Indians

Mashantucket Pequot Tribal Nation

Mohegan Tribe

NATO

National Institute of Standards and Technology

National Labor Relations Board

National Security Agency

Quinault Indian Nation

Saginaw Chippewa Indian Tribe of Michigan

Securities and Exchange Commission

U.S. Army

U.S. Attorney's Office

U.S. Department of Defense

U.S. Department of Education

U.S. Department of Energy

U.S. Department of Health and Human Services

U.S. Department of Homeland Security

U.S. Department of Housing and Urban Development

U.S. Department of Justice

U.S. Department of Labor

U.S. Department of the Interior

U.S. Environmental Protection Agency

U.S. Senate

U.S. Supreme Court

U.S.-China Economic and Security Review Commission

United Nations

recently revised standard for determining joint employers.

Pa. Judges Want Contested Retirement Amendment Left Alone

A group of Pennsylvania state judges on Monday backed State Secretary Pedro Cortes in his defense of a recently passed amendment that increases a local judge's mandatory retirement age from 70 to 75, arguing voters agreed to the change and there is no reason to undercut their decision.

Virgin Islands Govt. Salary Law Can't Stiff Unions: 3rd Circ.

The Virgin Islands wrongly compromised government employees' collective bargaining agreements by enacting a law that unilaterally reduced salaries, the Third Circuit said Tuesday, overturning a previous decision that said the law was necessary even though it conflicted with established union contracts.

PRIVACY & CONSUMER PROTECTION

CFPB Launches Inquiry Into Consumer Financial Data Access

The Consumer Financial Protection Bureau on Thursday launched an inquiry into the problems consumers face in getting access to and sharing their digital financial information with different financial firms.

Commerce Chief Stumps For Privacy, Trade Partnerships

The head of the U.S. Department of Commerce on Wednesday pushed the Trump administration to work with private companies to tackle growing cyberthreats and the debate over law enforcement access to encrypted data — and not to give up on the Trans-Pacific Partnership.

Conservative Group Beats Calif. AG's Bid To Get Donor List

A California federal judge on Thursday granted conservative advocacy group Thomas More Law Center's bid to prevent California's attorney general from obtaining its donor list, ruling after a bench trial that allowing the donor list handover would violate the group's free speech rights.

FCC Won't Exempt Mortgage Servicing Calls Under TCPA

Mortgage servicers are banned from robocalling homeowners without express prior consent, the Federal Communications Commission ruled Tuesday, because their needs don't override consumers'.

PRODUCT LIABILITY

Sens. Call For Action On GMO Approvals At US-China Summit

As the Obama administration prepares for its last high-level trade summit with China, a group of 37 senators, including the leaders of the Senate Agriculture Committee, demanded on Tuesday that the president pressure Beijing to expedite its approval process for genetically modified crops.

DOJ Rolls Out Baseline Requirements for 'Smart Gun' Tech

The U.S. Department of Justice on Wednesday announced that it had released voluntary, baseline specifications that outline the minimum technical requirements that law enforcement agencies can expect from "smart gun" technology, as part of the Obama administration's efforts to combat gun violence.

GOVERNMENT CONTRACTS

Pa. Should Repay \$2.4M Disaster Fund Windfall, Report Says

An audit released Wednesday recommended that the Federal Emergency Management Agency recoup \$2.4 million in profits earned by Pennsylvania after investing money earmarked

for pending disaster relief projects in the mid-2000s.

INTERNATIONAL TRADE

Congress Urged To Block Certain Chinese Investments In US

In its annual address to Congress, a commission tasked with monitoring U.S.-China relations said that Chinese companies' drive to acquire U.S. assets is a "political concern," and urged the Committee on Foreign Investment in the United States to block acquisitions by Chinese state-owned enterprises.

EC Eyes 12 Trade Pacts' Potential Effects On Agriculture

The European Commission said Tuesday that once 12 expected trade agreements go into effect, by 2025, the European Union's beef and rice sectors will likely suffer while the dairy and pig sectors should see gains, although European officials acknowledged that many of the pacts are now under political attack.

BANKRUPTCY

Puerto Rico Fights Off Lift Of Stay In Bondholder Suits

A Puerto Rico federal judge on Tuesday declined to lift a stay on claims by bondholders and an insurer for the commonwealth in litigation seeking payment on hundreds of millions of dollars in obligations that were halted through executive orders, saying that allowing the claims could be detrimental to debt restructuring discussions with creditors.

IMMIGRATION

'Crime Of Violence' Clear Term, Gov't Tells Supreme Court

The federal government urged the U.S. Supreme Court Monday to overturn a Ninth Circuit ruling that the Constitution's "prohibition of vagueness in criminal statutes" applies to

statutory provisions used to deport immigrants convicted of violent crimes.

NATIVE AMERICAN

Senate Urged To Exempt Tribes From NLRB Jurisdiction

A coalition of 130 Native American tribes, tribal corporations and intertribal associations urged the U.S. Senate on Tuesday to include a bill to exempt casinos and other tribal businesses from National Labor Relations Board jurisdiction in any "must-pass" legislation it considers as its current session winds down.

TELECOMMUNICATIONS

Broadcast Group Exec Calls For Ease Of Ownership Rules

The National Association of Broadcasters' chief executive, at a Tuesday luncheon sponsored by the nonprofit Media Institute, urged the Federal Communications Commission to lift media ownership restrictions.

House Panel Urged To Up Rules For The Internet Of Things

Cybersecurity experts urged a House panel Wednesday to take steps ranging from direct federal oversight to increased industry standards to help secure devices in the so-called internet of things, which has increasingly been used to facilitate cyberattacks.

FCC Mustn't Delay Post-Auction Transition, Carriers Say

Broadcasters are trying to get in the way of wireless use of spectrum after the broadcast incentive auction, the Competitive Carriers Association has told the Federal Communications Commission, saying the agency should stick to a 39-month deadline to clear the airwaves.

FCC's Rosenworcel Pressed To Act On Set-Top Box Plan

The office of FCC Commissioner Jessica Rosenworcel was hit again the day after the election with lobbying to unlock consumer set-top boxes, with lobbying group Free Press saying it is disappointed the Federal Communications Commission failed to vote on the rules in September that it also has questions about details of the proposal.

PEOPLE

Zuckerman Spaeder Nabs Obama's Ex-Top Health Atty

Zuckerman Spaeder LLP has scooped up the Obama administration's former top lawyer for health care, who predicted Wednesday that Republicans will tread lightly when overhauling the Affordable Care Act and that drugmakers will eventually get clarity regarding off-label promotion.

EXPERT ANALYSIS

OPINION: Texas Must Adhere To The 8th Amendment

When *Moore v. Texas* is argued on Nov. 29, the U.S. Supreme Court will have an important opportunity to reject an unscientific state-law standard that allows the wrongful and unconstitutional execution of persons with intellectual disability, according to Mark Earley, former attorney general of Virginia, and Mark White, the 43rd governor of Texas.

Make College Great Again: Higher Education In The Trump Era

With the election of Donald Trump, colleges and universities should prepare for a very different U.S. Department of Education. And not just for-profit schools stand to benefit. Let's look to the priorities of the GOP in Congress to see what may be in store, say Kenneth Salomon and Christopher Murray of Thompson Coburn LLP.

What Trump's Election Means For The ACA

President-elect Donald Trump campaigned on an unspecified promise to "repeal and replace the Affordable Care Act," but its future will not be dictated by the new White House team. Rather, it will be the result of a process factoring in the policy preferences and relative political power of Republicans and Democrats in Congress, the Trump administration, and health care stakeholders, says Philo Hall of Epstein Becker & Green PC.

FDA Draft Sheds Light On Software As A Medical Device

Companies that develop software for medical uses should be aware that the U.S. Food and Drug Administration has issued draft guidance classifying the endless variety of software as a medical device, and imposing risk-based criteria for evaluating the safety and effectiveness of such software. But a lack of detail on certain issues may be confusing for manufacturers, say Barry Boise, Sharon Klein and Katrina Long of Pepper Hamilton LLP.

Cybersecurity Forecast: Trump's 'Warfare Of The Future' Plans

During the campaign, President-elect Donald Trump did not extensively outline a cybersecurity strategy, but we can gain some insight into his agenda from information provided on his website and from his partnerships with both political and nonpolitical figures, says Meaghan Pedati of McGuireWoods LLP.

Will FCC Privacy Rules Create Challenges For ISPs?

The Federal Communications Commission's new rules limit internet service providers' usage of consumer data, which will impact their profits and pressure them to increase fees for users. However, the incoming Republican administration may ignore or even undo these rules, says John F. Stephens of Sedgwick LLP.

A Primer On The Presidential Appointee Vetting Process

With the election over, the process of selecting individuals to fill the next administration's key appointed positions is quickly shifting into high gear. For those who are called to serve in such positions, the process entails extensive vetting of professional credentials and a host of personal background check issues, say attorneys with Covington & Burling LLP.

LEGAL INDUSTRY

BigLaw Dilemma: Too Many Lawyers, Too Little Work

BigLaw is struggling with an overabundance of lawyers as demand for its services remains flat, a phenomenon experts say not only impacts firms' bottom lines but also hinders their efforts to recruit and retain top talent.

McCarter & English First-Year Atty Pay Jumps To \$150K

East Coast law firm McCarter & English LLP will increase the pay of first-year associates beginning in January, from \$135,000 per year to a minimum of \$150,000, to help compete with the trend of rising salaries across the country, the firm said Tuesday.

Rainmaker Q&A: Ogletree Deakins' Joseph Clees

Aspiring rainmakers must invest their own time learning their client's industry and business, including personal visits whenever possible. I've done everything from pilot a client-made helicopter (badly) to picking lettuce at a client facility — and enjoyed it all immensely, says Joseph Clees, shareholder at Ogletree Deakins Nash Smoak & Stewart PC.

Rainmaker Q&A: Stroock's Brett Lawrence

We tell our new associates one thing: Treat everyone senior to you as if they're your client. Mid-level associates, senior associates, partners — they're all your clients. Your job is to make their lives easier. If you get into the habit

of doing that, then you'll do the same thing for your external clients, says Brett Lawrence, partner with Stroock & Stroock & Lavan LLP.

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From: Heartland Institute: The Government Relations Team
Sent: Friday, November 18, 2016 12:13 PM
To: Rep93
Subject: The Leaflet - Right-To-Work Laws Ranked State by State



Right-To-Work Laws Ranked State by State

Priya M. Abraham, a senior fellow with the Commonwealth Foundation, recently published a new study titled *Transforming Labor: A Comprehensive, Nationwide Comparison and Grading of Public Sector Labor Laws*. The study evaluates 11 key measures that directly affect taxpayers and public employees. The key measures in the study are legality of collective bargaining, cost of collective bargaining, union release time, legality of worker strikes, binding arbitration, union contract negotiation transparency, union certification, opt-out windows, exclusive representation, paycheck protection, and right-to-work legislation.

Twenty-two states failed to obtain a passing grade in Abraham's report, earning either a "D" or "F" grade. For many of these states, the most important factor was the negative impact public sector labor laws are having on taxpayers and government workers.

Only seven states were given a rank of A+: Georgia, Indiana, North Carolina, South Carolina, Tennessee, Texas, and Virginia.

Elizabeth Stelle, director of policy analysis for the Commonwealth Foundation, argued in a recent *American Spectator* article public sector labor issues extend far beyond a state's right-to-work status, stating, "Even highly graded states will see areas for improvement, including transparency in contract negotiations, legality of worker strikes, workers' rights in leaving a union, and paycheck protection laws. These are reform areas that can guarantee greater protections of government workers' freedom of association."

In a recent *Research & Commentary*, Heartland Senior Policy Analyst Matthews Glans discusses right-to-work laws, how they create new jobs and foster economic and population growth, and the new right-to-work proposals now being considered in multiple states. "Over the same period, seven of the top 10 job-producing states had right-to-work laws in place, according to data provided by the U.S. Department of Labor," wrote Glans.

Right-to-work laws create new jobs and foster economic and population growth. State lawmakers should consider implementing right-to-work legislation in those states that currently don't have this important reform, a decision that is sure to reap significant economic benefits.

WHAT WE'RE WORKING ON

Budget & Tax

Research & Commentary: Arkansas Income Tax Reform

A new proposal that would lower Arkansas' personal income tax rate was recently unveiled by Arkansas state Sen. Bart Hester (R-Cave Springs). In a press statement, Hester argues the state can and should cut taxes by as much as \$105 million per year during the 2017 legislative session. Hester's plan would provide income tax relief for approximately 600,000 Arkansans. In this *Research & Commentary*, Senior Policy Analyst Matthew Glans discusses this new tax cut proposal now being considered in Arkansas. "Maintaining a complex income tax code imposes high administrative costs on the government and high compliance costs on businesses and individuals," wrote Glans. "They also discourage capital from flowing into a state and hinder the creation of new jobs. Cutting the income tax would improve Arkansas' economic competitiveness by leaving more money in the pockets of the state's citizens and businesses to spend, save, and invest," wrote Glans. [Read more](#)

Education

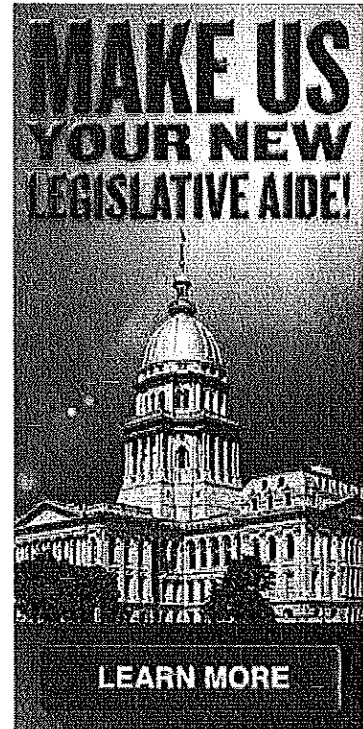
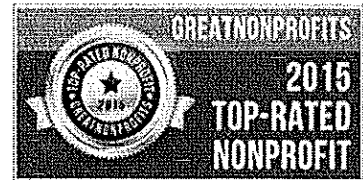
Research & Commentary: Tax Credit Scholarships Save Taxpayers, School Districts Money

In this *Research & Commentary*, Policy Analyst Tim Benson discusses an audit by EdChoice, formerly the Friedman Foundation for Educational Choice, of the 10 largest (of the country's 21) tax credit scholarship programs. EdChoice says the top 10 programs have saved between \$1.7 billion and \$3.4 billion through 2014, or about \$1,750 to \$3,000 saved per student. [Read more](#)

Energy & Environment

Research & Commentary: Fracking Ban Would Devastate the Colorado Economy

In this *Research & Commentary*, Policy Analyst Tim Benson discusses a study from the U.S. Chamber of Commerce's Institute for 21st Century Energy that claims a ban on hydraulic fracturing in Colorado would cost the state 215,000 jobs, \$22 billion in gross domestic product, and reduce household incomes by \$14 billion by 2022. Because of its position as a leader in energy production, Benson argues, Colorado has seen a large amount of anti-fracking activity, culminating in two failed constitutional ballot initiatives that sought to limit and curb access to areas where hydraulic fracturing could occur. "There is no scientific justification for banning hydraulic fracturing or over-regulating it out of existence," Benson



POLICY NEWSPAPER



The November issue of *School Reform News* reports on a brewing scandal in New York City, where the results of Common Core-aligned exams show significant gains in student proficiency,

wrote. "Regulation should only be based on the best available scientific literature, not on wild, unfounded claims based on misinformation, fear, and superstition." [Read more](#)

Health Care

Research & Commentary: Drug Price Controls and Price Transparency

While drug companies have argued for many years their prices are competitive and determined by the cost of development, critics say new laws are needed that would set the price of prescription drugs at "fair" rates. These critics say this form of market manipulation is necessary to guarantee access to pharmaceutical drugs for all people. There are two approaches state legislatures have taken to address the price of medications: transparency requirements and price controls. In this *Research & Commentary*, Senior Policy Analyst Matthew Glans examines drug price controls and price transparency. "Price caps are vague, obtrusive, and give far too much control over the pharmaceutical market to government regulators. Price gouging can be a problem, but price controls are not the answer. Instead of killing the free market and innovation in the pharmaceutical industry, state lawmakers should promote transparency and let the market and legal system monitor drug prices," wrote Glans. [Read more](#)

From Our Free-Market Friends

Hugh Hewitt Named as Keynote Speaker for the Yankee Institute's Annual Gala

Yankee Institute for Public Policy recently announced a keynote speaker for their annual Gala, which will take place at the Palace Theater in Stamford, Connecticut on December 1, 2016. Hugh Hewitt, renowned talk show host and syndicated columnist, will be the event's keynote speaker. Also speaking at the event will be Rebecca Friedrichs, lead plaintiff in the U.S. Supreme Court case *Friedrichs v. California Teachers Association*. [Read more](#)

leading some to wonder whether the test scores are inflated. The *New York Post*, dubbing the situation "Inflate-gate," reported, "The state has lowered the number of correct answers that students need to pass [on] 11 out of 12 Common Core exams this year, casting doubt on an across-the-board increase in NYC pass rates."

Budget & Tax News

Health Care News

Environment & Climate News

Heartland Institute



The Heartland Institute is a 32-year-old national non-profit organization dedicated to discovering, developing, and promoting free-market solutions to economic and social problems.

Our Websites

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To: Rep93

Subject: Student success updates from your constituents



2

1

2

updates

institution

constituents

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has recognized your
constituents for achievements

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updates from their colleges



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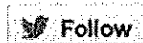
Sent: Monday, November 21, 2016 6:27 AM

To: Rep93

Subject: CRA Gives Trump Potent, But Risky, Tool To Nix Climate Regs



Monday, November 21, 2016



TOP NEWS

Analysis

CRA Gives Trump Potent, But Risky, Tool To Nix Climate Regs

President-elect Donald J. Trump and the Republican-controlled Congress are poised to begin dismantling President Barack Obama's environmental legacy by using the Congressional Review Act to quickly roll back climate change regulations, but experts warn that the CRA is a blunt tool that's been sparingly used because it can carry big political risks.

Analysis

Sessions' History Is Short But Not Silent On Antitrust

Sen. Jeff Sessions, R.-Ala., may be best known for his conservative stances on immigration and civil rights, but the former prosecutor and longtime lawmaker has waded into antitrust issues ranging from baseball's exemption to generic drug prices over the years. Here, Law360 looks at the competition matters that have piqued the interest of Donald Trump's pick for attorney general.

State Regulators Aim To Fill Trump's Vacuum

With many expecting the incoming Trump administration to dial back on his predecessor's

LAW FIRMS

A&L Goodbody

Addleshaw Goddard

Akerman

Alston Hunt

Archer & Greiner

Arnold & Porter

Baker Donelson

Ballard Spahr

Bancroft PLLC

Bays Lung

Bracewell

Bronster Hoshibata

Bryan Cave

BuckleySandler

Carlton Fields

Cinnamon Mueller

Covington & Burling

Crowell & Moring

DLA Piper

Davis Wright Tremaine

Dean Ringers

Debevoise & Plimpton

Dentons

Dewey & LeBoeuf

Dorsey & Whitney

Dowd Bennett

enforcement of financial regulations, attorneys general and financial regulators from states that did not support Trump are expected to step in where they can to police financial markets.

Analysis

What You Should Know About The DHS Job Flexibility Rule

A new rule on job flexibility for foreign workers clocks in at a whopping 336 pages, containing helpful items including a two-month grace period between jobs and ways for immigrants to keep their spot in the green card line. Here, experts offer an overview of the provisions in the final rule immigration attorneys should know about.

US Senate Passes Northern Border Security Review Bill

The U.S. Senate on Wednesday passed a bill that would require the U.S. Department of Homeland Security to conduct a threat assessment of the border between the U.S. and Canada.

Trump Taps Jeff Sessions To Be Attorney General

President-elect Donald Trump announced on Friday that he has chosen Sen. Jefferson Sessions, R-Ala., to become the next U.S. attorney general.

BANKING & SECURITIES

SEC Chair Calls For Further Expansion Of Agency Power

Departing U.S. Securities and Exchange Commission Chair Mary Jo White praised the agency's expansion of its enforcement efforts during her tenure in a speech Friday, but urged lawmakers to consider new laws that could further strengthen the agency's power after she steps down in January.

State GOPs Ask 6th Circ. To End Muni Pay-To-Play Rule

Earthjustice
Epstein Becker Green
Farrell Fritz
Fox Rothschild
Frost Brown Todd
Gibson Dunn
Greenberg Traurig
Greenspoon Marder
Grove Eisen
Haynes and Boone
Hilyard Bogan
Hogan Lovells
Holland & Knight
Hooper Lundy
Jones Day
K&L Gates
Kamer Zucker
Kaye Scholer
Kilpatrick Townsend
King & Spalding
Kirkland & Ellis
Knobbe Martens
McCorriston Miller
Merchant & Gould
Michael Best
Mintz Levin
Morgan Lewis
Morrison & Foerster
Organ Cole
Pinsent Masons
Priddy Cutler
Pyle Rome
Quarles & Brady
Reed Smith
Seward & Kissel
Sidley Austin
Simmons & Simmons
Siskind Susser

Several state Republican parties have urged the Sixth Circuit to upend pay-to-play restrictions on municipal advisers approved by the U.S. Securities and Exchange Commission, saying the rules violate the First Amendment and that the SEC didn't have the authority to approve them.

CFTC Urged To Hold Back 'Controversial' Rules

The House Agriculture Committee's Republican chair on Friday urged the U.S. Commodity Futures Trading Commission to hold off on implementing "controversial" proposals before President-elect Donald Trump takes office in January.

The Fed Broadens Post-Employment Restrictions

The Federal Reserve Board is more than doubling the number of people covered by a rule that bars certain senior staff members from leaving a Federal Reserve Bank and going right to work for a bank they had supervised, the Fed announced Friday.

ENERGY & ENVIRONMENTAL

White House Unveils Environmental Regulatory Agenda

The White House on Thursday released its environmental regulatory agenda for the coming year, and outlined policy aspirations that appear unlikely with the recent election of Donald Trump, who has articulated a very different vision for the U.S. Environmental Protection Agency.

EPA Gives Flint To-Do List Before Switching Water Again

The U.S. Environmental Protection Agency on Friday amended its emergency order to Flint, Michigan, in the wake of the city's lead-tainted drinking water crisis, outlining steps the city

Skadden
Snell & Wilmer
Squire Patton Boggs
Sullivan & Worcester
Telecommunications Law
Professionals
Wiley Rein

COMPANIES

AT&T Inc.
Align Technology, Inc.
America Fujikura Ltd.
American Bar Association
American Civil Liberties Union
American Clinical Laboratory
Association
American Federation of Labor and
Congress of Industrial
Organizations
American Immigration Council
American Immigration Lawyers
Association
American Petroleum Institute Inc.
Apple Inc.
BASF SE
Burford Capital LLC
CPA Global
Citrin Cooperman
Dow Chemical Co.
Electronic Frontier Foundation
Facebook
Franklin Data Ventures Inc.
Google Inc.
International Brotherhood of
Teamsters
JPMorgan Chase & Co.
Johnson & Johnson
Konica Minolta Holdings
LinkedIn Corp.
Lyft Inc.

must complete before implementing a switch to a new drinking water source.

Maine's Suit Against EPA Over Tribal Water Regs Trimmed

A federal judge on Friday tossed a claim from the state of Maine's suit-seeking to compel the U.S. Environmental Protection Agency to recognize the state's power to regulate tribal waters, saying the agency was required to review but not necessarily approve state water standards under the Clean Water Act.

Oil Industry, ND Spurned From EPA Waste Regs Suit

A D.C. federal judge on Friday rejected a bid by industry groups and North Dakota to step into a fight between the U.S. Environmental Protection Agency and environmental groups over whether the agency needs to update its regulations for waste disposal from oil and gas operations.

Obama Offshore Drilling Plan Closes Off Atlantic, Arctic

The Obama administration on Friday unveiled the final version of its five-year offshore drilling plan, which puts the Atlantic and Pacific Oceans off limits and shuts off drilling in new regions of the Arctic Ocean, handing a victory to environmentalists and a defeat to the U.S. oil industry.

9th Circ. Buries 3 Hawaii Counties' GMO, Pesticide Regs

The Ninth Circuit on Friday rejected regulations in three Hawaii counties governing pesticides and genetically modified crops, agreeing with agriculture companies and industry groups that the local rules are preempted by state and federal laws.

FDA Pauses Stronger Lab Test Oversight

The U.S. Food and Drug Administration won't use the final days of the Obama administration to finalize its controversial proposal to begin

Macy's Inc.

Major League Baseball Inc.

Microsoft Corporation

Minnesota Twins

Monsanto Company

National Consumer Law Center

National Immigration Law Center

Natural Resources Defense Council

New York Times Co.

PayPal Inc.

PricewaterhouseCoopers

Pulmonx Corp.

Royal Dutch Shell PLC

Ryman Hospitality Properties Inc.

San Francisco Giants

Sierra Club

Sinclair Broadcast Group, Inc.

Spotify Technology SA

St. Louis Metropolitan Taxicab Commission

State Bar of California

Syngenta AG

Teva Pharmaceutical Industries Limited

Twitter Inc.

Uber Technologies Inc.

United Food and Commercial Workers International Union

Verizon Communications

XO Communications LLC

eBay Inc.

GOVERNMENT AGENCIES

Animal and Plant Health Inspection Service

Bureau of Indian Affairs

Bureau of Industry and Security

Bureau of Land Management

regulating lab tests as medical devices, a source confirmed Friday.

HEALTH & LIFE SCIENCES

Adapt Pharma Urges FDA Hurdles For Teva Overdose Generic

Adapt Pharma wants the U.S. Food and Drug Administration to require Teva's generic version of overdose drug Narcan to undergo special scrutiny in order to win approval, according to a newly released citizen petition.

TRANSPORTATION & INFRASTRUCTURE

Port Authority Scores Win In AAA Toll Hike Dispute

The Port Authority of New York and New Jersey scored a win in a suit alleging its 2011 plan to raise tolls was inflated to impermissibly include capital costs for other projects, after a federal judge ruled Friday that the tolls didn't discriminate against interstate commerce and weren't excessive.

St. Louis Cabbies Insist Uber Stole Future Business

St. Louis taxi drivers told a Missouri federal judge Thursday that they've sufficiently alleged Uber has crushed their future business prospects by intentionally flouting city regulations requiring all for-hire drivers to get fingerprinted and obtain commercial drivers' licenses to make the ride-hailing giant more appealing to riders.

Judge Urged To Ax Unequal Taxi, Ride Hailing Regs Suit

The Philadelphia Parking Authority urged a federal judge on Thursday to dismiss a lawsuit alleging that taxi companies in the city had suffered irreparable business damage after ride-hailing services such as Uber and Lyft had

Bureau of Ocean Energy Management
Centers for Medicare & Medicaid Services
Central Intelligence Agency
Commodity Futures Trading Commission
Congressional Research Service
Consumer Financial Protection Bureau
Defense Intelligence Agency
Department of Commerce
Drug Enforcement Administration
Employment and Training Administration
European Commission
Executive Office for Immigration Review
Executive Office of the President
Federal Bureau of Investigation
Federal Communications Commission
Federal Reserve Bank of NY
Federal Reserve System
Federal Trade Commission
Financial Conduct Authority
Florida Department of Highway Safety and Motor Vehicles
Food and Drug Administration
Government Accountability Office
Health Resources and Services Administration
Internal Revenue Service
International Trade Commission
Municipal Securities Rulemaking Board
Narragansett Indian Tribe
National Aeronautics and Space Administration
National Institute of Standards and Technology

been allowed to operate largely unchecked in the city.

REAL ESTATE

5th Circ. Won= 2t Rehear Macy's Bargaining Unit Ruling

A split full Fifth Circuit on Friday declined to rehear a panel's ruling that backed the certification of a collective bargaining unit for workers at a Macy's department store in Massachusetts and that upheld a relevant National Labor Relations Board standard.

EMPLOYMENT

DOL Watchdog Outlines Host Of Challenges Facing Agency

The U.S. Department of Labor faces an uphill battle on multiple fronts in the coming years, including preventing discrimination against workplace-safety whistleblowers, guarding its information systems and keeping violence out of its local job training centers for at-risk youths, according to a report released Thursday.

Part Of Ky. Right-To-Work Law Valid, 6th Circ. Says

The Sixth Circuit ruled Friday that a portion of a Kentucky county's right-to-work ordinance that bars employers from requiring union membership is not forbidden by the National Labor Relations Act, while also concluding that ordinance's hiring-hall and dues-checkoff provisions are preempted by the NLRA.

No Circuit Split Over Tip Pool Rule, Workers Tell Justices

Casino workers Friday urged the Supreme Court to refuse to hear an appeal from Las Vegas casino owner Steve Wynn over a Ninth Circuit ruling on the tip pooling rule, arguing the district conflict claimed by Wynn does not exist.

PRIVACY & CONSUMER PROTECTION

National Labor Relations Board
New York Attorney General's Office

New York State Department of Financial Services

Occupational Safety and Health Administration

Office of the Comptroller of the Currency

Pension Benefit Guaranty Corp.

Port Authority of New York & New Jersey

Securities and Exchange Commission

Texas Attorney General's Office

U.S. Army

U.S. Customs and Border Protection

U.S. Department of Defense

U.S. Department of Energy

U.S. Department of Homeland Security

U.S. Department of Justice

U.S. Department of Labor

U.S. Environmental Protection Agency

U.S. House of Representatives

U.S. Senate

U.S. Supreme Court

United Nations

Lawmakers Want More Time To Mull Warrant Rule Expansion

A bipartisan group of federal lawmakers moved on Thursday to postpone the looming implementation of a judicial rule change that would expand courts' ability to issue warrants for access to electronic communications by floating a legislative proposal that would give Congress until July to address the controversial amendment.

EU To Press Internet Providers On Data Access, Official Says

The European Commission is working on a proposal that would push internet service providers to work more closely with law enforcement to provide access to key digital evidence, according to a top commissioner who also called on businesses to cooperate with the government to help fortify systems against cyberattacks.

11th Circ. Urged To Revive Privacy Suits Over Fla. Driver Info

A Florida couple made a second appearance before the Eleventh Circuit on Friday to argue that a lower court wrongly dismissed cases they brought against local governments and their workers claiming their personal information was improperly accessed hundreds of times through state driver and motor vehicle records.

INTERNATIONAL TRADE

Azevêdo Frets Over Sluggish Pace Of New WTO Talks

World Trade Organization Director-General Roberto Azevêdo said Thursday that he is concerned about a lack of engagement among delegations as they work to craft a new negotiating agenda for the organization, particularly in areas like agricultural and fisheries subsidies.

Agencies Tweak Arms Export Rules For Aircraft, Engines

The U.S. departments of State and Commerce issued a pair of final rules Friday intended to clarify and adjust which aircraft, gas turbine engines and related equipment are subject to export control regulations as defense items.

US Wood Producers Take Aim At Chinese Imports

A U.S. industry group on Friday asked the Obama administration to slap hefty remedial tariffs on imports of hardwood and decorative plywood, alleging that the merchandise has been illegally subsidized and sold in the U.S. market at unfairly low prices.

IMMIGRATION

Detainments A 'Vital' Part Of Immigration Law, Justices Told

The federal government has doubled down on its efforts to overturn a Ninth Circuit ruling that certain immigrants are entitled to automatic bond hearings following six months of detention, saying immigrant detention is vital and controlling law proves the three-judge panel got it wrong.

Executive Action Suit Pause Sought Until Trump Inauguration

A case in Texas challenging President Barack Obama's executive actions on immigration should be halted until after President-elect Donald Trump is inaugurated, 26 states and the federal government said on Thursday.

NATIVE AMERICAN

RI Tribal Council Says Ousted Leader Won't Let Go Of Power

The Narragansett Indian Tribe urged a Rhode Island federal court Thursday to validate a tribal council election and block the tribe's chief sachem, allegedly removed by a council vote, from spending the tribe's funds or otherwise continuing to act as the tribe's leader.

TELECOMMUNICATIONS

Analysis

Top 4 Groups Lobbying The FCC

The Federal Communications Commission may now be moving into a period of slowed action on major policy issues, but companies and trade associations have continued to make their case over the last month on topics such as rolling out telecom services, mergers and reform of the business data services market. Here, Law360 looks at the top organizations lobbying the FCC in the past month.

FCC Says TCPA's Autodialing Restrictions Apply To Texts

The Federal Communications Commission on Friday warned that autodialed text messages, known as robocalls, are subject to the limits placed on automated calls by the Telephone Consumer Protection Act, which the agency expanded last year in a move that drew ire from businesses and spurred a D.C. Circuit challenge.

FCC Channel Shift Plan Too Rigid, Broadcaster Says

The Federal Communications Commission must abandon its rigid approach and unrealistic timetable for migrating broadcast stations to new channels following auctions to allocate current broadcast spectrum to wireless providers, a Maryland broadcast group told the commission in a filing on Tuesday.

DC Circ. Rejects FCC Rule On VOIP Switching Charges

The D.C. Circuit reversed a Federal Communications Commission ruling that retroactively required traditional carriers to pay switching charges to local phone companies for over-the-top voice-over-internet-protocol calls, agreeing Friday with AT&T Inc. that the commission provided insufficient reasoning for its decision.

2 Senate Dems Drop Hold On FCC Reappointment

Democratic Federal Communications Commissioner Jessica Rosenworcel cleared a barrier to her reappointment put up by her own party when Democratic Senators Ed Markey and Ron Wyden on Friday withdrew holds they had placed on her nomination after major items were pulled from the agenda of Thursday's FCC meeting.

PEOPLE

Health Hires: Merchant & Gould, Davis Wright, Greenspoon

Intellectual property firm Merchant & Gould PC has added a medical device partner from Dorsey & Whitney LLP; Davis Wright Tremaine LLP is expanding its health care group in Los Angeles with a payments-focused partner from Hooper Lundy & Bookman PC; and Greenspoon Marder PA is launching a cannabis law practice group in Oregon.

EXPERT ANALYSIS

Tax Policy In The Trump Era: Part 2

Nearly three decades have passed since the last major overhaul of the U.S. tax code. Republican and Democratic policymakers agree (often for different reasons) that reform is needed. In the second of a three-part series, attorneys with Squire Patton Boggs consider the prospects for reform of business and individual tax policy, and of the U.S. system of international taxation.

BLM Final Rule Streamlines Renewables On Public Lands

Last week, the Bureau of Land Management issued its final rule governing solar and wind energy on public lands, creating a new program that uses competitive leasing and incentives to encourage renewable development across six states. It may have a significant impact even if the new administration seeks to repeal it, say

Tara Kaushik and Stephen Humes of Holland & Knight LLP.

The Unintended Impact Of DEA's New Registration Policy

The U.S. Drug Enforcement Administration recently announced a significant change to its registration renewal process whereby it will no longer allow a grace period for registrants who fail to file a timely renewal application. This could have unintended consequences that will place pharmacies and other providers at risk, says Larry Cote of Quarles & Brady LLP.

Preparing For Contractor Paycheck Transparency

A day before it was scheduled to take effect, a Texas federal court preliminarily enjoined implementation of most aspects of the Fair Pay and Safe Workplaces final rule, leaving only its paycheck transparency requirements to proceed. Attorneys at Dentons LLP offer insight into the steps necessary to meet requirements for this aspect of the rule.

FTC Study On Patent Assertion Entities Is Incomplete

The Federal Trade Commission said the purpose of its study on the activities of patent assertion entities in the U.S. was to examine their impact on innovation and competition. But unfortunately this important goal was not even close to achieved, says Justin Daniels of Burford Capital LLC.

LEGAL INDUSTRY

Dewey Judge Says Retrial May Be Another Marathon

A New York state judge on Friday said the coming retrial of two former top executives of Dewey & LeBoeuf LLP accused of defrauding lenders and investors before the megafirm's collapse could wind up taking as much time as the nearly five-month first trial.

Legal Tech Download: On-Demand Lawyers & Immigration AI

The world of legal technology is quickly evolving as new products aimed at aiding lawyers are created and launched in rapid succession. Here, Law360 takes a look at nine of the biggest legal tech-related news developments over the past two weeks.

GC Cheat Sheet: The Hottest Corporate News Of The Week

The internet of things gets a long-awaited security guide, JPMorgan forks over \$130 million for running a nepotistic hiring program in violation of the Foreign Corrupt Practices Act and the U.S. Department of Homeland Security gives skilled immigrant workers some leeway. Those stories top the corporate legal news you may have missed last week.

Calif. Attys Must Pay Bar Dues Held Up By Stalled Bill

The California Supreme Court on Thursday ordered the state's lawyers to pay base dues to the State Bar of California given the annual bill that usually sets and approves financial support for the body has been subject to stalled political wrangling for months.

In Case You Missed It: Hottest Firms and Stories On Law360

For those who missed out, here's a look back at the law firms, stories and expert analyses that generated the most buzz on Law360 last week.

Rainmaker Q&A: Sullivan & Worcester's Aidan Browne

In some industries, legal services are viewed principally as a cost burden and not in terms of added value. Overcoming these perceptions can be challenging, but it's possible to defeat such institutional biases by consistently performing above the expectations, says Aidan Browne, director of business development at Sullivan & Worcester LLP.

Rainmaker Q&A: Michael Best's Jorge Leon

I pride myself on my level of responsiveness and truly believe that letting clients know they are being heard is the most important and challenging part of being a rainmaker, especially when you're trying to maintain a healthy work-life balance and are unable to predict when a crisis will come up, says Jorge Leon, partner at Michael Best & Friedrich LLP.

JOBS

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From: Public Policy Law360
Sent: Tuesday, November 22, 2016 5:02 AM
To: Rep93
Subject: Trump DOJ Prep Guided By Morgan Lewis, Kirkland, MoFo



Tuesday, November 22, 2016



TOP NEWS

Trump DOJ Prep Guided By Morgan Lewis, Kirkland, MoFo

President-elect Donald Trump has tapped a range of former high-level U.S. Department of Justice officials now practicing at BigLaw firms, including Morrison & Foerster LLP and Morgan Lewis & Bockius LLP, to guide the shift at the DOJ, the transition team said Monday.

New EEOC Guidance Defines National Origin Discrimination

The Equal Employment Opportunity Commission issued new guidelines on national origin discrimination Monday, defining it, providing tips for employers on how not to run afoul of Civil Rights Act national origin protections and providing examples of situations that could spark enforcement action.

DHS Releases Final Rule On FOIA

The U.S. Department of Homeland Security unveiled a preview Monday of a final rule updating the agency's Freedom of Information Act regulations, giving more time to appeal the DHS' response to an information request, clarifying when fees can be charged to information seekers, and more.

BANKING & SECURITIES

LAW FIRMS

Akerman
Altshuler Berzon
Balch & Bingham
Bredhoff & Kaiser
Brown & Connery
Cleary Gottlieb
Eversheds LLP
Fox Rothschild
Graves Garrett
Holland & Knight
Hunton & Williams
Jackson Lewis
Jones Day
K&L Gates
Kelley Drye
Kirkland & Ellis
Latham & Watkins
Littler Mendelson
McDermott Will
McGuireWoods
MoloLamken LLP
Morgan Lewis
Morrison & Foerster
Munger Tolles
Shearman & Sterling
Sherman Dunn

Credit Suisse Launches Swiss Unit Ahead Of Planned IPO

Credit Suisse AG said Monday that subsidiary Credit Suisse (Schweiz) AG has launched operations, likely setting the stage for an initial public offering next year as the banking conglomerate slims down to comply with "too big to fail" post-financial-crisis regulations.

GOP Iowa Lawmakers Press Trump To Nix Waters Of US Rule

A handful of Republican lawmakers from Iowa implored President-elect Donald J. Trump on Monday to torpedo the U.S. Environmental Protection Agency and U.S. Army Corps Engineers' contentious Clean Water Rule immediately upon entering the White House next year

ENERGY & ENVIRONMENTAL

DOI Can't Regulate Drilling Flares, States Say

Oil- and gas-rich Wyoming and Montana petitioned a Wyoming federal court on Friday to block the Bureau of Land Management's attempt to limit the release of methane during drilling operations on federal and Native American lands, arguing the bureau had overstepped its authority.

Mercury Rule Foes Say EPA's Cost Analysis Doesn't Add Up

The U.S. Environmental Protection Agency's additional, court-ordered justification of its rule limiting mercury and other toxic emissions from coal-fired power plants fails to show how the rule's benefits outweigh its compliance costs, states and industry groups fighting the revamped rule told the D.C. Circuit on Friday.

EPA Chief McCarthy Defends Climate, Pollution Priorities

U.S. Environmental Protection Agency Administrator Gina McCarthy said Monday she is concentrating on creating a smooth transition

Sidley Austin
Skadden
Squire Patton Boggs
Steptoe & Johnson LLP
Taft Stettinius-

COMPANIES

Altman Weil Inc.
America Fujikura Ltd.
American Civil Liberties Union
American Federation of Labor and Congress of Industrial Organizations
BNSF Railway
Bloomberg
Credit Suisse Group AG
Financial Industry Regulatory Authority Inc.
Google Inc.
International Union Of Operating Engineers
Kirkland's, Inc.
Marks & Spencer
Murray Energy Corp.
Mylan NV
National Air Traffic Controllers Association
National Association of Manufacturers
Portland Cement Association
Red Bull GmbH
U.S. Chamber of Commerce
Union Pacific Corporation
United Auto Workers
United Steelworkers
Winmark Corp.

GOVERNMENT AGENCIES

Bureau of Land Management
California State Board of Equalization

between President Barack Obama's administration and President-elect Donald Trump's, and expressed hope that key initiatives like reducing carbon pollution from power plants will survive the change.

Canada Moves To Phase Out Coal-Fired Power By 2030

The Canadian government said Monday that it would phase out the use of coal-fired power in the country by 2030, and would use its national infrastructure bank to help finance the transition to cleaner sources of electricity.

HEALTH & LIFE SCIENCES

House Asks DC Circ. To Pause Affordable Care Act Suit

The Obama administration's appeal of the GOP-led House of Representatives' district court win holding that certain subsidies for the Affordable Care Act are illegal should be stayed given President-elect Donald Trump's dim views on Obamacare, the House told the D.C. Circuit on Monday.

Mylan Refuses To Testify At Senate's EpiPen Rebate Hearing

Mylan NV has joined the U.S. Department of Justice and Centers for Medicare & Medicaid Services in refusing to testify before the Senate Judiciary Committee about a potential \$465 million settlement tied to its misclassification of the EpiPen for Medicaid rebates, the committee's chairman said Monday.

IP & TECHNOLOGY

NJ Assembly Approves Bill To Protect Inventor Rights

The New Jersey Assembly on Monday unanimously approved legislation to protect employees' rights to the ownership and usage of inventions unrelated to their jobs that they

Centers for Medicare & Medicaid Services

Central Intelligence Agency

Defense Intelligence Agency

Energy Information Administration

Equal Employment Opportunity Commission

Executive Office of the President

Federal Aviation Administration

Federal Bureau of Investigation

Federal Communications Commission

Food and Drug Administration

Internal Revenue Service

Municipal Securities Rulemaking Board

National Institutes of Health

Occupational Safety and Health Administration

Office of the U.S. Trade Representative

Securities and Exchange Commission

Transportation Security Administration

U.S. Army

U.S. Customs and Border Protection

U.S. Department of Defense

U.S. Department of Homeland Security

U.S. Department of Housing and Urban Development

U.S. Department of Justice

U.S. Department of Labor

U.S. Department of the Interior

U.S. Department of the Treasury

U.S. Environmental Protection Agency

U.S. House of Representatives

U.S. Senate

developed entirely on their own time and without using employers' resources.

TRANSPORTATION & INFRASTRUCTURE

Calif. Appeals Rail Hazmat Fee Injunction To 9th Circ.

California officials have appealed to the Ninth Circuit a federal judge's Oct. 28 ruling blocking the state's tax board and regulators from implementing a new law that slaps a fee on rail cars transporting hazardous materials such as crude oil and chemicals.

REAL ESTATE

State OKs \$771M In Tax-Exempt Bonds For NYC

New York Gov. Andrew Cuomo said Friday that the state has allocated \$771 million in tax-exempt bond capacity to New York City this year, an increase of \$80 million from last year, to help spur affordable housing construction.

EMPLOYMENT

Industry, Unions Lock Horns In OSHA Silica Rule Dust-Up

Industry and labor groups fired their opening salvos Friday in a D.C. Circuit proceeding challenging the Occupational Safety and Health Administration's new rules on worker exposure to silica dust in a wide range of industries, with the industry groups seeking a full repeal and the unions looking to bolster worker protections.

Del., NJ Agency Beats Suit Over Gov. Christie Contract Veto

A federal judge ruled Friday that the Delaware River and Bay Authority doesn't have to honor collective bargaining agreements that were vetoed by New Jersey Gov. Chris Christie, ruling that the governor's action effectively

U.S. Supreme Court

canceled the authority commission's ratification of the contracts.

Union Eyes 9th Circ. In Idaho Right-To-Work Challenge

A local chapter of the International Union of Operating Engineers said Friday that it will ask the Ninth Circuit to revive its challenge of an Idaho law that blocks unions from compelling nonmembers to pay fees, the same day the Sixth Circuit upheld a similar rule in a Kentucky county.

DOL Tells Court Expanding OT Rule Is Well Within Its Powers

The U.S. Department of Labor urged a Texas federal court Friday not to nix a controversial rule set to nearly double the salary threshold at which workers become exempt from overtime pay under federal labor laws, arguing the rule is a reasonable exercise of its power under court precedent.

Feds Lose Bid To Block Bathroom Injunction

A federal judge in Texas on Sunday denied a bid from the federal government to narrow the scope of his ruling that halts nationwide federal guidance that students be allowed to use the restroom that matches their gender identity, writing that they wouldn't be harmed if the temporary stop goes into effect.

PRIVACY & CONSUMER PROTECTION

DOJ Wants Warrant Rule Change To Nab Hidden Criminals

The Justice Department on Monday doubled down on its defense of a controversial judicial rule change that would expand courts' ability to issue warrants for access to electronic communications, arguing that the revision was necessary to catch pedophiles and other criminals increasingly using technology to cloak their location.

INTERNATIONAL TRADE

EU Commish Talks Up Free-Trade Pacts In Milan

European Union Trade Commissioner Cecilia Malmström defended the bloc's free-trade agreements while speaking Friday in Milan, but noted the Transatlantic Trade and Investment Partnership will likely be on hold for "some time."

TAX

Tea Party Group Seeks Extension In IRS Tax-Exemption Row

A Texas tea party group asked an Ohio federal court on Monday for an emergency order that would effectively extend a crucial deadline in its tax-exemption application to the IRS, complaining that the IRS has twisted the court's earlier injunction against it into an excuse to deny the application.

Christie Signs NJ Law Clarifying Tax Breaks For Stadiums

New Jersey Gov. Chris Christie has signed into law a bipartisan bill reiterating that government-owned stadiums and arenas are exempt from property taxation, answering uncertainty spawned by a court decision clarifying tax obligations of charitable and for-profit operations.

TELECOMMUNICATIONS

Advocates Urge Congress To Let FCC Act On Accessibility

Several groups representing deaf, hard of hearing, blind visually impaired Americans called on House congressional overseers Friday to clarify the importance of the Federal Communications Commission taking action on pending accessibility items, urging against waiting months during the presidential transition.

FCC's Pai Pushes Sessions For Attorney General

The Federal Communications Commission's senior Republican is backing Sen. Jeff Sessions of Alabama for the post of U.S. attorney general in the incoming Trump administration, saying Friday that he was once a part of Sessions' diverse staff in the Senate.

Trump Vows In Video To End TPP, Loosen Energy Regs

President-elect Donald Trump addressed the nation Monday night in a YouTube video outlining plans for six executive actions for day one of his term, ranging from an order to investigate immigration visa abuses to issuing a notification of intent to withdraw from the Trans-Pacific Partnership.

EXPERT ANALYSIS

What To Expect In The Remaining Days Of The 114th Congress

Overshadowing the onset of the lame-duck session of the 114th Congress was the dramatic presidential election. Anticipating Republican majorities in the Congress and the newly sworn-in President Donald J. Trump in January of 2017 is affecting the strategies of both parties during the lame-duck session, say attorneys at Holland & Knight LLP.

Tax Policy In The Trump Era: Part 3

Nearly three decades have passed since the last major overhaul of the U.S. tax code. Republican and Democratic policymakers agree (often for different reasons) that reform is needed. In the final installment of this series, attorneys with Squire Patton Boggs discuss corporate tax inversions and Section 385, the estate tax, low-income housing, and pension and retirement savings.

Transportation Policy In The Trump Era: Part 1

The challenge of revitalizing and updating the nation's transportation and infrastructure will be a focus for the 115th Congress and the Trump administration. In the first of a three-part series, attorneys with Squire Patton Boggs examine the transportation policy outlook for the aviation sector, focusing on FAA reauthorization and the prospects for a sweeping modernization of the nation's air traffic control system.

Importers Beware: US Customs In Enforcement Mode

U.S. Customs and Border Protection is upping its enforcement. On top of its legislative mandate, the Trump administration will also likely focus on the enforcement of trade regulations, says Laura Siegel Rabinowitz, special counsel at Kelley Drye and Warren LLP.

Changing Fiduciary Duty Landscape In A Trump Presidency

Following on the heels of the final U.S. Department of Labor fiduciary rule is the pending effectiveness of new fiduciary standards for municipal advisers, and the expected release of a proposed uniform fiduciary standard by the U.S. Securities and Exchange Commission. The election of Donald Trump as president, however, creates uncertainty about the current path and increases the possibility of change, say attorneys with Shearman & Sterling LLP.

LEGAL INDUSTRY

BigLaw's New Leaders Confront A Shifting Industry

BigLaw has slowly begun the process of recreating itself for the modern era, propelled by technological advances and new competition, but experts say the industry still has a long way to go and its newest leaders face the monumental task of being its change agents.

GCs Can't Find Money, Time To Deploy New Tech, Report Says

Adapting to and utilizing new legal technology seems to be a near constant topic of discussion among law firms and their biggest clients, but in-house counsel are facing some practical hurdles in technological progress, like budgeting and time constraints, according to a new report released Friday by Eversheds LLP and Winmark Ltd.

Rainmaker Q&A: Akerman's Brenda Goerks

Many times, "landing" a new client is given too much value, when perhaps it should really be about maintaining and investing in the clients you have. Getting to a Jedi stride with a client, and knowing their business takes time and is a mutual investment that requires ongoing fostering, says Brenda Goerks, a partner at Akerman LLP.

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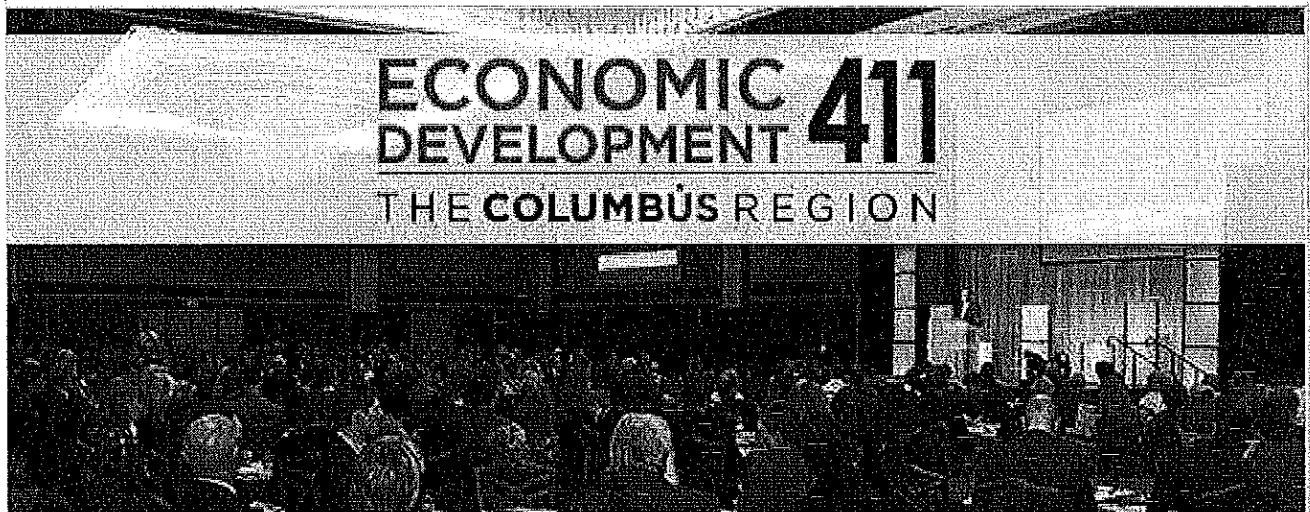
Subject: Last Week to Register: Economic Development 411

Keynote speakers will include Cindi Marsiglio, Vice President of US Manufacturing for Walmart, and Alec Ross, author of "The Industries of the Future."

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LAST WEEK TO REGISTER

Economic Development 411 (ED411) brings together hundreds of elected officials and community, business and educational leaders to hear from keynote speakers and attend breakout sessions.

We are excited to have two fantastic keynote speakers joining us this year:

CINDI MARSIGLIO
VICE PRESIDENT OF US MANUFACTURING,
WALMART

ALEC ROSS
AUTHOR & DISTINGUISHED VISITING FELLOW
AT JOHNS HOPKINS UNIVERSITY



Cindi will speak about Walmart's US Manufacturing Initiative and the company's commitment to buy \$250 billion in products that support American jobs.



Alec Ross is one of America's leading experts on innovation and author of The New York Times bestseller "The Industries of the Future."

RESERVE YOUR SEAT NOW

Friday, December 2
8 a.m. - 1:15 p.m.

The Ohio Union at Ohio State University
Archie M. Griffin Grand Ballroom
1739 N. High St.
Columbus, OH 43210

A complete list of breakout sessions and an event schedule is available [here](#).

Seats are limited. Register [here](#) by Monday, November 28.

ED411 is hosted by the Mid-Ohio Development Exchange and Columbus 2020.

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Privatization & Government Reform Newsletter
Issue No. 28 — November 2016

Edited by:
Leonard Gilroy, Director of Government Reform, Reason Foundation
Austill Stuart, Policy Analyst, Reason Foundation

In this issue:

- TRANSPORTATION: [Investor Financed Toll Roads Are Not Failures](#)
 - PRISONS: [Developments in Criminal Justice and Private Corrections](#)
 - PENSIONS: [CalPERS Says 7.5% Returns Over the Next Decade Unlikely](#)
 - EDUCATION: [Mississippi Pursuing Student-Based Budgeting](#)
 - REGULATION: [Antitrust Immunity and Regulatory Boards](#)
 - INNOVATORS IN ACTION: [PPPs Improving Services in Sumter County, FL](#)
 - [News & Notes](#)
 - [Quotable Quotes](#)
-

TRANSPORTATION: Investor Financed Toll Roads Are Not Failures

The recent bankruptcy filing by the toll concession company that financed, built and operated the portion of Texas SH-130 near Austin has prompted some observers to claim the history of PPP toll projects is one of failure. In a recent article, Reason's Robert Poole counters that many toll projects are experiencing healthy demand, not to mention a strong market to acquire investor-financed PPP

toll roads.

» [FULL ARTICLE](#)

» [return to top](#)

PRISONS: Recent Developments in Criminal Justice and Private Corrections

Amid the gradual decline in the national prison population in recent years, the number of federal and state inmates held in privately operated correctional facilities fell by nearly 1.3% over the past year and stands at 8.9% overall, according to Reason Foundation's *Annual Privatization Report 2016*. The report's newly released section on criminal justice and corrections reviews developments in criminal justice reform, public-private partnerships in corrections, correctional health care privatization and more.

» [FULL REPORT: Criminal Justice and Corrections 2016](#)

» [Annual Privatization Report 2016 homepage](#)

» [return to top](#)

PENSIONS: CalPERS Says 7.5% Returns Over the Next Decade Unlikely

After announcing last year a gradual 20-year reduction in its assumed rate of return, the California Public Employees Retirement System (CalPERS) is now considering bringing that rate down faster. In a recent blog post, Reason's Anthony Randazzo explains why this would be a sensible move and could portend a more widespread shift by other public pension plans nationally, given CalPERS' position as an influential market leader.

» [FULL BLOG POST](#)

» [return to top](#)

EDUCATION: Mississippi Pursuing Student-Based Budgeting

Mississippi officials are overhauling their state's 20 year-old education formula to replace it with a weighted student formula—a "money follows the child" approach to school funding. In a recent blog post, Reason's Tyler Koteskey explains why switching to a student-based budgeting model would be a step

forward for equity and transparency in Mississippi's education system.
» [FULL BLOG POST](#)

» [return to top](#)

REGULATION: Examining Antitrust Immunity for Market-Participant-Dominated Regulatory Boards

The Texas Medical Board, which regulates the practice of medicine in Texas, tried to crack down on "telehealth," the practice of doctors seeing patients by phone or video consultation rather than face-to-face appointments. The Texas Medical Board is dominated by practicing physicians, so this crackdown consisted of doctors regulating their own competitors. Teladoc, a telehealth firm, argued that this was invalid under federal antitrust law, based on recent precedent from the U.S. Supreme Court on the antitrust liability of regulatory boards dominated by market participants. In a recent Reason.org article, Emory Law School Associate Professor Alexander Volokh explains how Teladoc won, in part thanks to an amicus brief that he wrote for himself and 54 other antitrust and competition policy scholars.

» [FULL ARTICLE](#)

» [return to top](#)

INNOVATORS IN ACTION: Improving Services through PPPs in Sumter County, Florida

The latest installment of Reason Foundation's *Innovators in Action* interview series—which profiles innovative policymakers in their own words, highlighting good government efforts delivering real results and value for taxpayers—focuses on Sumter County, Florida's use of privatization and competitive contracting in the interest of improving the quality of public services. Reason Foundation's Austill Stuart recently interviewed Bradley Arnold, county administrator for Sumter County, who led the drive toward many of its major contracting initiatives. Mr. Arnold spoke of the decision-making process, with a focus on a recent decision to contract out library management and operations.

» [FULL INTERVIEW](#)

» [return to top](#)

Colleges Replacing Civics Education with Progressive Activism, Study Finds

In this article for *School Reform News*, Higher-Education Editor Jane S. Shaw writes about a 523-page report by the National Association of Scholars (NAS) detailing the history and current state of “new civics,” which appears under labels such as “civic learning,” “democratic engagement,” and other titles that imply political action. The heart of what NAS calls “new civics” is “service learning.” Although this term suggests students’ voluntary involvement in community activities to help others, it is much more than that. Not only does service learning merge education and activism, Shaw writes, but from its start in the 1960s, its goal has been to permeate the academy with the radical political goals of the far left. With its innocuous name and emphasis on volunteerism, service learning has quietly expanded throughout academia. [Read more](#)

Energy & Environment

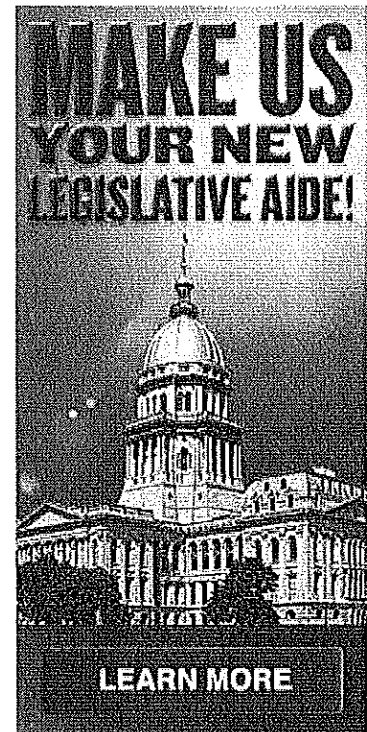
Texas Sues EPA over Sulfur-Dioxide Rule Designations

In this article for *Environment & Climate News*, Michael McGrady writes about Texas Attorney General Ken Paxton’s filing of petitions in the U.S. Fifth Circuit Court of Appeals and the U.S. Court of Appeals for the District of Columbia Circuit challenging the U.S. Environmental Protection Agency’s (EPA) decision to designate three areas in Texas as out of compliance with federal clean air standards for sulfur dioxide. In December 2016, EPA issued a final rule determining three areas in Texas failed to meet the federal one-hour standard for sulfur dioxide of 75 parts per billion established under 2010 revisions to the National Ambient Air Quality Standards. Each of the noncompliant areas has coal-fired power plants EPA says are the source of the sulfur-dioxide pollution. Paxton’s suits claim EPA’s sulfur-dioxide attainment designations are flawed, and the State of Texas says monitoring results in the areas in question show them to be in or near compliance with federal sulfur-dioxide standards. [Read more](#)

Health Care

Research & Commentary: Maine Should Reject Maintenance of Certification

In recent years, many states have sought reforming maintenance of certification laws (MOC), which require physicians to complete additional testing and programs to maintain board certification. In this *Research & Commentary*, Senior Policy Analyst Matthew Glans examines MOC reform efforts in Maine. Glans says “providing certification for doctors has become a profitable industry,” and while MOCs were designed to ensure education and proper training, they



POLICY NEWSPAPER



The May 2017 issue of *Environment & Climate News* reports on President Trump’s approval of the Keystone XL Pipeline which links oil fields in Canada to refineries in Texas. H. Sterling Burnett, Managing Editor of *Environment & Climate News*, writes “the U.S. Department of State has estimated Keystone XL will create between 3,900 and 6,000 construction jobs and a total of 42,000 jobs in

shouldn't be allowed to "act as a profit center for medical board organizations." [Read more](#)

From Our Free-Market Friends

Rich States, Poor States, 10th Edition

In the 10th edition of *Rich States, Poor States*, a notable study by Arthur B. Laffer, Stephen Moore, and Jonathan Williams, the authors examine the 50 states' economic outlooks using 15 state policy variables and establish economic performance rankings based on state gross domestic product, absolute domestic migration, and non-farm payroll employment. The authors say the top 10 states (in order) are Utah, Indiana, North Carolina, North Dakota, Tennessee, Florida, Wyoming, Arizona, Texas, and Idaho. [Read the full report here](#)

= 9

industries directly and indirectly related to the project." [Read more](#)

Budget & Tax News

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The Heartland Institute

The Heartland Institute is a 33-year-old national non-profit organization dedicated to discovering, developing, and promoting free-market solutions to economic and social problems.

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ISSUE ALERT

April 26, 2017

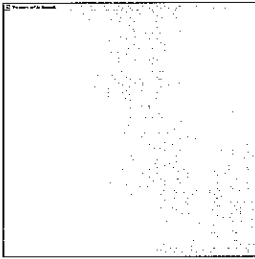
To: Members of the Ohio House of Representatives
From: The Jeffersonian Project
Re: Oppose Travel Taxes in Ohio

From: The Buckeye Institute

Sent: Wednesday, June 29, 2016 11:29 AM

To: Rep93

Subject: Fight Another Day: Ice Axes, Second Chances, and Supreme Court Losses



Message from the President

Dear Friends,

My headlamp strained to illuminate the icy ground in the pitch-blackness. I was climbing a glacier on Mount Rainier, making the final push for the summit around 2 a.m.

Success lay a short distance in front of me.

When I took the next step, my whole body free fell. The secure-looking ground in front of me was in fact nothing more than snow forming a "bridge" over a deep fissure--a crevasse--in the glacier. To avoid continuing to fall to unknown depths below, I plunged my ice axe forward into solid ice, and was able to pull myself back to safety. There would be no summit this time, I would have to turn back to base camp, but I would be back to fight another day.

Sometimes we give a worthy cause everything we have, rising in the middle of the night to attempt the summit, but are nonetheless handed defeat. Yesterday was such a day. The defeat was not on one of my beloved mountains, but at the United States Supreme Court, where The Buckeye Institute's Legal Center was fighting for *you*. Let me explain.

The Buckeye Institute works tirelessly to defend the First Amendment rights of citizens to be able to support charitable causes they believe in without being put on a government list. Whether you support free-market or progressive causes; gun rights or gun control; pro-life or pro-choice causes is none of the

government's business, thank you very much. This long-acknowledged constitutional right has been under attack in several states, and Buckeye has gone to the courts to defend the privacy of supporters of all causes--from left to right and everything in between.

The most recent abuse came from Delaware, where state law requires charities that publish items (even on the internet) mentioning the name of a candidate within 60 days of an election to report to the government the names, addresses, and contribution amounts of all donors who gave more than \$100 to the group--even if the individual gave to the charity for purposes other than the publication. Non-partisan voter guides, policy reports, and summaries of legislation are a few of the kinds of communications that could require charities to make this unconstitutional reporting.

With the able assistance of brilliant attorneys at Jones Day, The Buckeye Institute joined our friends at the Center for Competitive Politics in asking the U.S. Supreme Court to strike down Delaware's law in a case called *Delaware Strong Families v. Denn*. Yesterday, the Court declined to hear the case. As disappointing as this setback is, the Court did not uphold the law either--it simply chose not to make a decision one way or the other.

Yet there is reason for hope.

Like an ice axe sunk deep into a solid glacial ice, Justice Thomas persuasively argued not only that the Court should have heard the case, but strongly suggested that this law is unconstitutional. Thomas observed that "[g]iven the specter of these First Amendment harms, a State's purported interest in disclosure cannot justify revealing the identities of an organization's otherwise anonymous donors." And Justice Alito stated that he would have heard the case as well.

And so, we will be back to fight another day. For you. And for all Americans to be free to support whatever causes you choose without fear of intimidation and the threat of being put on some permanent government list. And next time, we aim to make the summit.

Upward,

A handwritten signature in black ink, appearing to read "Fred C. C. C." with a stylized flourish at the end.

Robert Alt

P.S. Won't you join us in continuing the fight? Your contribution helps us to continue our work to support the right of all Americans to support causes without it going on your "permanent record."

P.P.S. Here is a glimpse of a 50-foot deep crevasse that I encountered on the ill-fated Rainier climb (not the one I fell into). As for my own fight, I am going back to climb Mount Rainier in September....



#

Founded in 1989, The Buckeye Institute is an independent research and educational institution--a think tank--whose mission is to advance free-market public policy in the states.

The Buckeye Institute, 88 East Broad Street,
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Emerging Issues Forum 2016

Please join us for The Heartland Institute's Emerging Issues Call Series

Topic: Budget & Tax Policy with Brandon Arnold Executive Vice President of the National Taxpayers Union

Thursday, June 30 at 3:00 PM EST

You are invited to join The Heartland Institute for the second in a series of conference calls previewing the speakers and topics that will be presented at Heartland's 2016 Emerging Issues Forums. Those events – which are free for lawmakers and staff – will take place on August, 7–8, 2016 in Chicago, Illinois and on December 15–17 in Orlando, Florida.

This month's conference call will feature Brandon Arnold, Executive Vice President of the National Taxpayer Union.

Brandon has testified on fiscal policy before Congress and numerous state legislative committees. He has also appeared on several television and radio networks including C-SPAN, Fox News, Fox Business, BNN, and Russia Today. His writings have appeared in publications including Politico, the American Spectator, the Hill, and the Seattle Times.

Brandon will be discussing ways states are seeking to create a better business climate to attract jobs and businesses to their states. Some states have been passing right-to-work laws, pushing tax reform, and reforming their public pension systems, while others have increased taxes and regulations.

Here are references to review before joining the conference call:

State Should Switch to 401(k) Style Plans

NTU Joins Coalition Opposed to Hidden Medicare "Tax"

Ten Station Solutions - Budget & Tax

Research & Commentary: Do Right-to-Work Laws Cause Income Inequality?

he monthly emerging issues conference call is sponsored by The Heartland Institute's government relations department, which works to educate lawmakers on free-market solutions to social and economic problems.

Thank you to those who have already sent RSVPs. To register for this call, please contact Lindsey Stroud at lstroud@heartland.org or 312/377-4000. Your registration will ensure you receive any follow-up materials from the call.

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Senate Activity for Thursday, June 30, 2016

INTRODUCED

SB 339 ■ **MONTH DESIGNATION** (Tavares, C.) To designate the month of June as "Pride Month." En. 5.2299

House Activity for Thursday, June 30, 2016

INTRODUCED

HB 583 ■ **COLLECTIVE BARGAINING** (Becker, J.) To remove any requirement under the Public Employees Collective Bargaining Law that public employees join or pay dues to any employee organization, to prohibit public employers from requiring public employees to join or pay dues to any employee organization, to prohibit an employee organization from being required to represent public employees who are not members of the employee organization, and to make an appropriation. Am. 9.81, 124.14, 124.15, 3345.31, 4117.03, 4117.04, 4117.05, 4117.09, 4117.10, 4117.11, 4121.03, 4121.121, 4121.69, and 5501.20

RESIGNATION ACCEPTED

Rep. Tim Brown, Republican, 3rd District, effective July 17.

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Ohio News & Opinion For July 1, 2016

News

New attorneys' fees in Ohio to fund legal aid for poor (Associated Press, 7/1/2016)

How will medical marijuana affect your workplace? (Cincinnati Enquirer, 7/1/2016)

Joe Biden talks health care, praises doctors in Cleveland (Cleveland Plain Dealer, 7/1/2016)

Obamacare tax hike scheduled to hit retirees next year, but Sens. Brown, Portman want to stop it (Cleveland Plain Dealer, 7/1/2016)

Rep. John Becker proposes right-to-work bill for public employees (Cleveland Plain Dealer, 7/1/2016)

Republican National Convention secure zone revealed: Ohio Politics Roundup (Cleveland Plain Dealer, 7/1/2016)

Rob Portman's campaign, PAC each announce new ads targeting Ted Strickland (Cleveland Plain Dealer, 7/1/2016)

Sen. Tim Kaine accepted clothes, vacation as gifts: Today's number in politics (Cleveland Plain Dealer, 7/1/2016)

Senate panel advances Carole Rendon's nomination for U.S. attorney of Ohio's northern district (Cleveland Plain Dealer, 7/1/2016)

Voting rights activists say election lawsuit claiming Jon Husted illegally purged voters is not over (Cleveland Plain Dealer, 7/1/2016)

Controversial NRA ad attacking Clinton airing mostly in Ohio (Columbus Dispatch, 7/1/2016)

Ohio Politics Now: Will Hillary Clinton consider Richard Cordray as a running mate? (Columbus Dispatch, 7/1/2016)

Portman coal radio ad targets southern Ohio voters (Columbus Dispatch, 7/1/2016)

State, troopers union return to contract talks (Columbus Dispatch, 7/1/2016)

GOP Convention: Who's going to speak? Where are the sponsors? (Dayton Daily News, 7/1/2016)

Local hospitals among hundreds with multiple privacy complaints (Dayton Daily News, 7/1/2016)

Taxpayers shelling out fewer dollars for fireworks displays (Dayton Daily News, 7/1/2016)

Editorials

Commentary: The Supreme Court's Texas abortion ruling reignites a battle over facts (Canton Repository, 7/1/2016)

Six ways to make Ohio's online charter schools more accountable: editorial board (Cleveland Plain Dealer, 7/1/2016)

Perpetuating preferences (Columbus Dispatch, 7/1/2016)

Put babies over politics (Toledo Blade, 7/1/2016)

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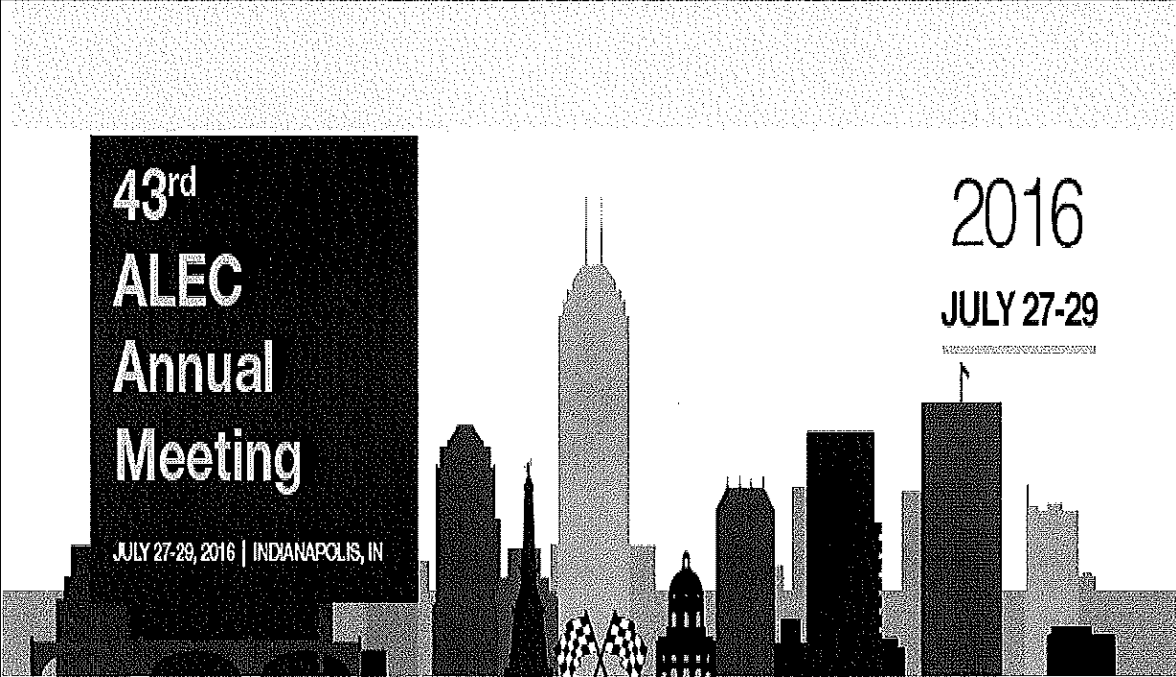
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JULY 27-29, 2016 | INDIANAPOLIS, IN

**2016
JULY 27-29**

**BOOK YOUR HOUSING
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Today is the housing cut-off for the discounted rate of \$189 at the JW Marriott, the host hotel of the ALEC Annual Meeting.

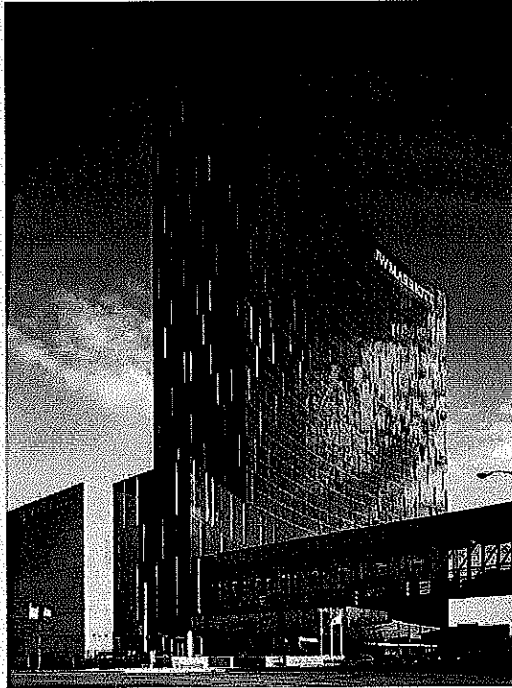
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Media Training

ALEC wants to help you be the best advocate for the issues that matter to you.

Media training on the following topics comes as a benefit of your ALEC membership and will be offered at the 2016 Annual Meeting:

- Free speech
- Privacy and individual rights
- Women's issues and the "war on women"
- Labor unions and wage policy
- Education policy
- Free market communication and ALEC

Sign up [here](#) to participate!

ALEC CARE

ALEC CARE is a groundbreaking new constituent relationship management program that improves constituent engagement and enables you to gain a more accurate pulse of your district.

This program helps our members maintain real

Registration rates increase
on July 6!

Register today and pay
less!

>> REGISTER NOW

Have questions or need assistance?
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relationships with real people
and is included as a benefit of
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ALEC will conduct
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sessions during the Annual
Meeting in Indianapolis. Sign
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relationship management
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From: Nick Dranias

Sent: Friday, July 1, 2016 9:04 PM

To: Rep93

Subject: This July - Declare You're Bringing the American Dream Back!



This July - Declare Your Independence from Job Killing Policies

Join former Wall Street Journal Economist **Stephen Moore**, Reason Foundation's **Adrian Moore**, American Action Forum's **Sam Batkins**, Compact for America's **Nick Dranias**, NeWAY Foundation's **Eric Brimen**, and Mississippi Speaker Pro Tem **Greg Snowden** at the American Legislative Exchange Council's Annual Meeting in Indianapolis to get the inside scoop about:

A Fast, Flexible Framework for States to Create Growth

low states can turbocharge economic growth and opportunity through expandable Prosperity Zones, replacing state and federal tax and regulatory policy with state-of-the-art best practices. Presented by Compact for America Educational Foundation, in alliance with Federalism in Action and NeWAY foundation.

Date: Thursday, July 28, 2016

Time: 11:00 a.m. to 12:15 p.m.

Location: ALEC Annual Convention, Indianapolis

LIBERTY = PROSPERITY

States can ignite economic growth and opportunity by creating Prosperity Zones, wherein obsolete policies are replaced by a 21st century regulatory framework that maximizes job creation and investments. Prosperity Zones are mixed-use spaces, developed in greenfield sites, that enable Americans to live and work in environments with a strong protection of property rights and freedom from cronyism.

MODEL LEGISLATION

- **Establishes the procedures for the voluntary creation of Prosperity Zones**, and tailors them to each state's needs.
- **Creates a revenue sharing agreement between Prosperity Zones and the state** that provides incremental revenue from wealth generated in the Zones.
- **Replaces select federal laws and regulations within Prosperity Zones with more effective alternatives** upon the passage of a congressional resolution accepting the agreement.

HOW IT WORKS

Prosperity Zones are created through interstate compacts, which are highly durable legislative vehicles that enable states to implement deep free-market reform. Prosperity Zones are created as new municipalities in which:

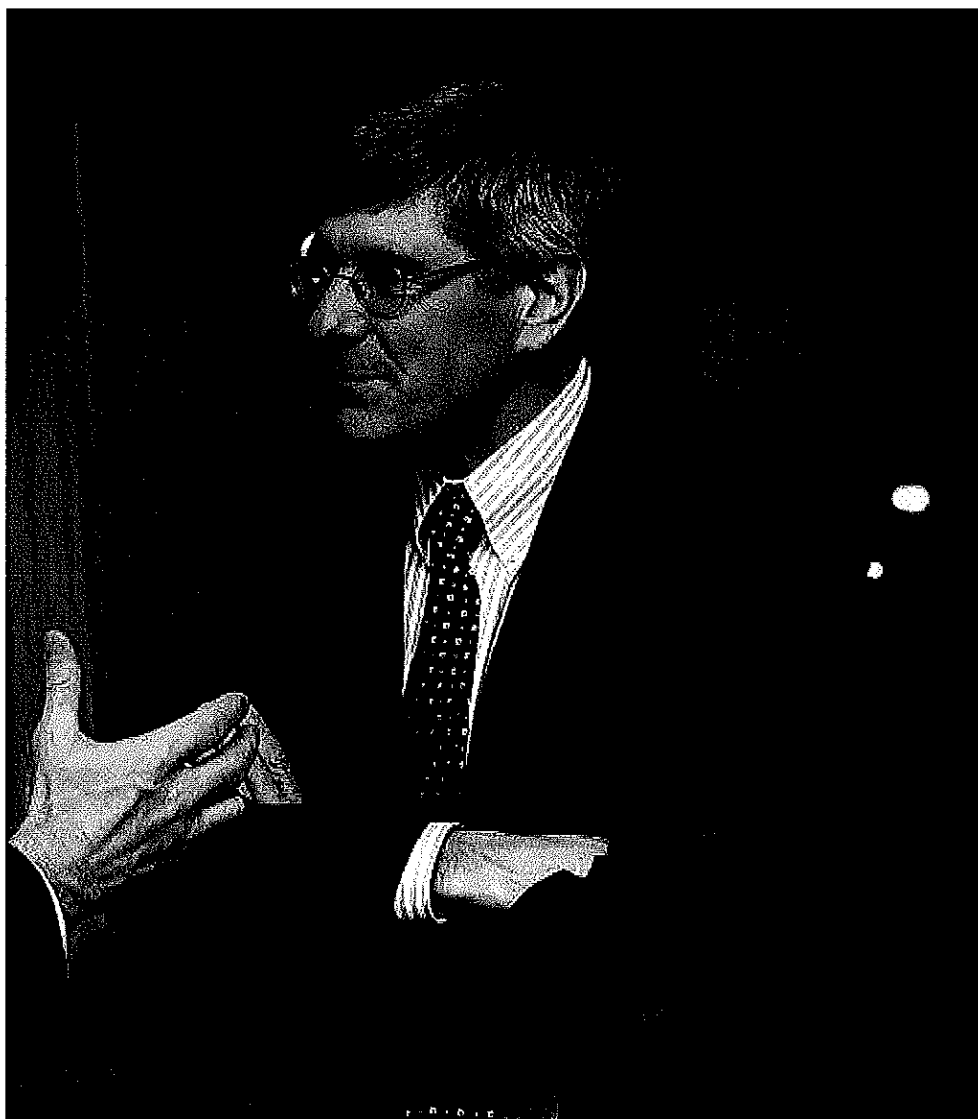
✓ Regulatory authority is circumscribed to free-market best practices

✓ Taxation is minimized

✓ There is no eminent domain and civil asset forfeiture authority

This proposal achieves the deepest and most durable, prosperity-maximizing reform possible.





PANELISTS:

Stephen Moore, MA

Why explosive economic growth can result from zone-based deep regulatory and fiscal reforms.

National Spokesman, Compact for America Educ. Found.

Moore, who formerly wrote on the economy and public policy for The Wall Street Journal, is also the Distinguished Visiting Fellow, Project for Economic Growth, at The Heritage Foundation. Moore, who also was a member of The Journal's editorial board, returned to Heritage in January 2014 -- about 25 years after his tenure as the leading conservative think tank's Grover M. Hermann Fellow in Budgetary Affairs from 1984 to 1987. He founded and served as president of the Club for Growth from 1999 to 2004.

Adrian Moore, PhD

Why market-based regulation through enforcement of property rights and contract law is superior to centrally-enacted and enforced regulation.

Vice President of Policy, Reason Foundation

Dr. Moore leads Reason's policy implementation efforts and conducts his own research on topics such as privatization, government and regulatory reform, air quality, transportation and urban growth, prisons and utilities. Dr. Moore regularly advises federal, state and local officials on ways to streamline government and reduce costs.

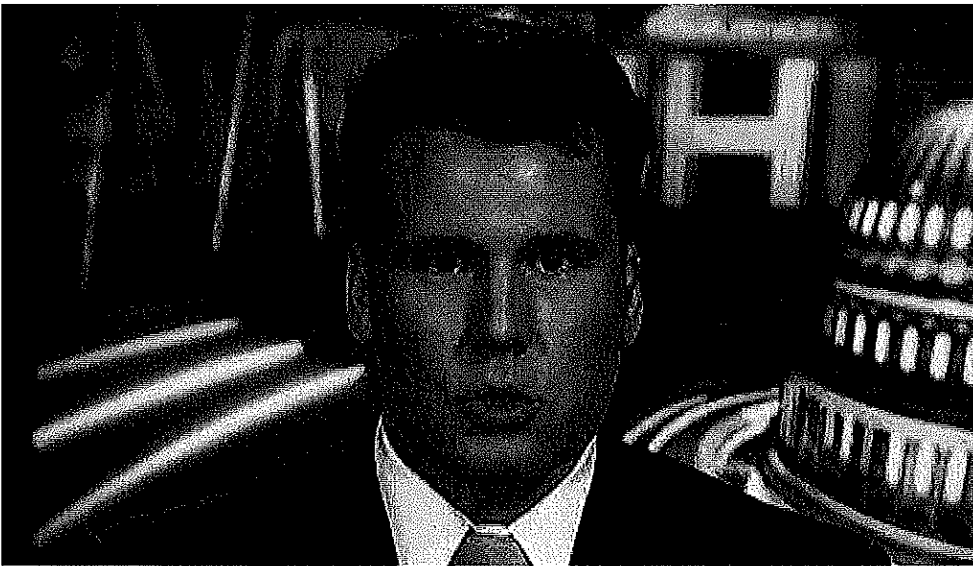
Sam Batkins, JD



Living in the regulatory thicket: how federal rules affect consumers, workers, and the states.

Director of Regulatory Policy, American Action Forum

Sam Batkins focuses his research on examining the rulemaking efforts of administrative agencies and Congress. His work has appeared in *The Wall Street Journal*, *The New York Times*, *The Hill*, *Reuters*, and *The Washington Post*, among other publications. He has testified before the U.S. House, Senate, and state legislatures across the country. Prior to joining the Forum, Batkins worked at the U.S. Chamber of Commerce, Institute for Legal Reform and the National Taxpayers Union. At the U.S. Chamber, he focused on lawsuit abuse, tort reform, and federal regulation. During his time at the National Taxpayers Union, he conducted studies on state and federal spending.



Nick Dranias, JD

Why an interstate compact is the launching pad to Restore Prosperity Now!

President & Executive Director, Compact for America Educ. Found.
Research Fellow & Policy Advisor, Heartland Institute

Dranias is a constitutional scholar and an expert in the law of interstate compacts. He has appeared on Fox News, MSN-NBC, NPR, and many other outlets. Previously, Dranias served as General Counsel, Policy Development Director and Constitutional Policy Director at the Goldwater Institute. Dranias led the Goldwater Institute's successful challenge to Arizona's system of government campaign financing to the U.S. Supreme Court.